THE

CIRCULAR ORDERS

PASSED BY

THE COURTS OF

Sudder Dewanny Adawlut,

FOR

THE LOWER AND WESTERN PROVINCES,

AND

COMMUNICATED TO

The Civil Judges and other Authorities of those Provinces.

VOL. IV.

FROM 1843 TO 1846, INCLUSIVE.

CALCUTTA:

PRINTED AT THE BENGAL MILITARY ORPHAN PRESS,

BY W. RIDSDALE

1847.

CIRCULAR ORDERS,

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SUDDER DEWANNY ADAWLUT,

FOR THE

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Civil Judges and other Civil Authorities of those Provinces.

TO THE SEVERAL CIVIL JUDGES IN THE LOWER AND WESTERN PROVINCES.

Lower Provinces, 30th December, 1842.
Western Provinces, 1st April, 1843.

No. 1.

Principal sudder ameens to supply themselves with Serampore or Europe paper for their decrees.

THE Court are pleased, with the sanction of Government, to intimate that principal sudder ameens are authorized to supply themselves with Serampore or Europe paper, on which to engross the decrees of their courts which are to remain with the record.*

* From this Circular, allusions to previous orders, sanctioning a different arrangement, and not included in the printed Circular Order Books, have been omitted.

TO THE JUDGES IN THE LOWER AND WESTERN PROVINCES.

Lower and Western Provinces, 20th January, 1843.

No. 2.

Course to be followed on occasion of requisitions to heads of offices for deduction from salaries of subordinates on account of decrees.

IT being deemed desirable, with a view to prevent inconvenience, to define and limit the course of proceeding to be followed by heads of offices, on requisitions being made to them for the deduction of the salaries of their subordinates in satisfaction of decrees of court, the Courts of Sudder Dewanny Adawlut at Calcutta and Allahabad call the attention of the authorities under them to the following rule.

2. In cases of the nature described, officers should abstain from passing any orders, or making any requisitions, except regarding monies which may be in any office actually due to a defendant, unless both parties appear and agree to a compromise and assignment; in which case, the duty of the judge, or officer sending the requisition, will be confined to making known to the head of the office, to which defendant may belong, that such an arrangement has been made, at the same time striking the case of his file, and leaving the completion of the arrangement to the parties concerned.

TO THE JUDGES IN THE LOWER AND WESTERN PROVINCES.

Lower and Western Provinces, 20th January, 1843.

No. 3.

Extent of applicability of Section 18, Regulation X. 1829, as regards the penalty imposable thereunder.

IT is hereby notified, for the information and guidance of all the courts, that the Courts of Sudder Dewanny Adawlut at Calcutta and Allahabad have ruled that, by Section 18, Regulation X. 1829, any vakeel, or authorized pleader, or mooktar, who shall present any paper, petition, or any deed, or document, requiring to be stamped, on unstamped paper, or paper not bearing the proper stamp, must forfeit five times the amount of the stamp which ought to have been used in the one case, or five times the difference in the other;—that by Construction No. 1120, the civil courts, having no discretion left to them, must in all cases levy the fine prescribed by the section cited, from any vakeel, authorized pleader, or mooktar appointed under Regulation XII. 1833, who may file any paper contrary to the provisions of that enactment; and that from the very comprehensive terms employed, petitions of plaint, and of appeal, regular and special, and applications for review of judgment, are included in those terms.

TO THE SEVERAL JUDGES IN THE WESTERN PROVINCES.

Western Provinces, 24th January, 1843.

No. 4.

Circulates Extract of Sudder Board's Circular No. 3, for regulating the wording and execution of decrees for land.

WITH reference to Circular Order of the Sudder Dewanny Adawlut, No. 208, dated 24th June last, the Court are pleased to circulate, for the information and guidance of all the civil courts in the matter of the wording and execution of decrees for landed estates, an extract (paragraphs 214 to 217, both inclusive) of the Sudder Board of Revenue's Printed Circular, No. 3, the principle of which has been approved of by Government.

Extract (paragraphs 214 *to* 217*) of the Sudder Board of Revenue's Printed Circular No.* 3.

Para. 214. If, by reason of a sale, by order of a court of justice, of the entire right and interest of any lumberdar, or by reason of a decree of a court of justice declaring any given lumberdar to possess no right and interest, a vacancy of one among several lumberdars should occur, a successor must be appointed according to the constitution of the village.

215. If a decree of court declare any individual, or a party of individuals, entitled to the entire possession of a muhal or mouza, to the exclusion of those now under engagement with Government, and the decree be executed; in the former case, the one individual must be recorded lumberdar, and the necessary mutations made: in the latter case such number of individuals, as the collector may consider expedient, not exceeding the number fixed at the settlement, must, on the whole body giving in an agreement to that effect, be recorded lumberdars and the requisite mutation made.

216. If a decree of court declare a single individual, or a body of individuals, to be proprietors of a distinct puttee in any muhal, to the exclusion of those now in possession; and there have been, at settlement, a separate lumberdar recorded for that puttee; in that case the individual, or the nominee of the body, will become the lumberdar, and the mutation of names must be made in the malgoozaree register accordingly.

217. The courts are authorised to direct a party, in whose favor a decree may be given for a specific interest in a joint property, to be recorded a lumberdar; the appointment of representatives to transact the affairs of the estate, being a matter arranged between Government and the body of proprietors at the time of settlement. But the court

may, at all times, direct the share decreed, to be separated and formed into a new muhal with its own separate jumma. The mode in which this is to be effected by the collector according to the constitution of the tenure, will be found under the rules of partition in the 10th Section.

TO THE CIVIL JUDGES IN THE LOWER PROVINCES.

Lower Provinces, 24th February, 1843.

No. 5.

Explanations of regular and miscellaneous cases pending beyond a year, not to be given monthly, but annually.

WITH a few exceptions, the preparation of the explanations, regarding regular suits and miscellaneous cases pending beyond a year, which were prescribed by the Circular Order No. 151, of the 15th January 1841, and alluded to in the Circular Order of the 25th November 1842, has been left by the judges to their clerks, thereby involving on the Court not only the necessity of calling for further explanations but much trouble in revising them without any corresponding advantage. The Court have therefore resolved to dispense in future, with the abovementioned returns, and to require, in lieu thereof, that explanations of the causes of delay be furnished only in the Annual Statements Nos. 1 and 2. The passages quoted below, from the Circular Order No. 28, 7th December 1838, are therefore to be considered as superseded.

STATEMENT No. 1.

An explanation is also to be given in the same column of the causes of delay in disposing of any cases which may have been pending, at the close of the month or year to which the Statement may relate, for a longer period than a twelve month.—*Circular Order, Vol. III. page* 38.

STATEMENT No. 2.

Circular Order, 28th October 1836, No. 188.

In the column of remarks an explanation will be furnished of the cause of delay in disposing of any cases which may have been depending for a longer period than a year. This need not however be repeated in the annual statement, as the statement for the month of December will contain the necessary information on the point, and it will be sufficient in the annual statement to specify, under the head of remarks, the years in which the total number of pending cases were filed or instituted as in the margin.*—*Circular Order, Vol. III. page* 43.

* Execution of Decrees.
4 of ..... 1836.
3 of ..... 1837.
8 of ..... 1838.
15

2. As the rule now established will afford some relief to the judges, the Court will expect them to bestow the most careful attention on the preparation of the annual explanations of regular and miscellaneous cases, and to give due attention to the early disposal of all suits pending in their own courts and those of the subordinate judges.

TO THE SEVERAL CIVIL JUDGES IN THE WESTERN PROVINCES.

Western Provinces, 29th March, 1843.

No. 6.

Determines the discontinuance, temporarily, of the half yearly examination, heretofore held in July, of candidates for moonsiffships, and fixes the date of next meeting of several committees in January, 1844.

THE Court, finding that the number of passed candidates eligible for appointment as moonsiffs, is, with reference to the vacancies which have occurred since the first institution of the committees of examination, sufficient to meet probable demands for more than one year, are pleased, with the sanction of Government, to determine that the half yearly examination heretofore held in the month of July, shall be intermitted, and that the next meeting of the committees of Bareilly, Agra and Benares, shall take place in January 1844.

2. The authorities composing the said committees, and the several judges in the North Western Provinces, are hereby informed of this postponement; and the latter are requested to discontinue, until the near approach of the next ensuing examination, the submission of applications to be allowed to undergo the prescribed test, and to make known to candidates who may present them, the purport of this Circular Order, as a reason for their rejection.

3. It is to be understood that the discontinuance of the half yearly examination is merely temporary, and that the final determination of the Court, in regard to this matter, will be made known at some future period.

TO THE SEVERAL CIVIL JUDGES IN THE LOWER AND WESTERN PROVINCES.

Western Provinces, 31st March,
Lower Provinces, 16th June, } 1843.

No. 7.

Appends extract of a letter to address of judge of Ghazeepore touching execution of decrees through the revenue authorities.

THE Courts of Sudder Dewanny Adawlut publish, for the information and future guidance of the several civil judges, extract (paragraph 2) of a letter addressed by the Western Court to the judge of Ghazeepore, touching the execution of decrees through the agency of the revenue authorities, who will be guided in their conduct by the Circular Orders particularized in the margin.*

2. The issue of these instructions has been intimated to the Sudder Boards of Revenue, Lower and Western Provinces, who have been requested to address corresponding orders to the authorities subordinate to them.

* Para. 3. Circular Order Sudder Dewanny Adawlut No. 127, dated 18th December 1834.
Circular Order No. 165, dated 11th December 1835.

Circular Order No. 28, dated 21st December 1838, under heading No. 10.

Extract, paragraph 2, from letter, No. 604, dated 28th March 1843, of the Officiating Register of the Western Court to the Judge of Ghazeepore.

Para. 2. It is evident from the explanations offered by the collector, that the delay of which you complain, has been, in the majority of instances, occasioned by the default of the decree-holder in advancing ameen's fees, or his failure in other necessary process. In such a contingency, the Court see no objection to the adoption of the course suggested in the 2d paragraph of your letter above cited. If the case be pending before the collector, and the decree-holder fail to comply with any requisition, obedience to which may be a necessary preliminary to the execution of his decree, the collector might strike the case off his file, and give intimation to the judge of his having done so. The judge, on receipt of such infimation, might adopt a similar course of procedure, and leave to the decree-holder the option of re-instituting proceedings at his discretion.

TO THE CIVIL AND SESSION JUDGES IN THE LOWER AND WESTERN PROVINCES.

Lower Provinces, 7th April,
Western Provinces, 19th May, } 1843.

No. 8.

Rule regarding applications for copies of papers.

THERE being reason to believe that specifications of additional documents are sometimes inserted in applications for copies of papers, after the presentation of the application and the passing of an order for granting copies of the papers originally applied for, the Court, with a view to prevent such a practice, direct that petitioners be in future required to mention in words the number of documents of which transcripts are required, and to insert the date of application immediately after the list of papers.

TO THE CIVIL AUTHORITIES IN THE LOWER AND WESTERN PROVINCES.

Lower Provinces, 15th
Western Provinces, 28th } *April*, 1843.

No. 9.

Prescribes rules touching method and channel of conveyance by post of moonsiffs' requisitions to judicial and revenue authorities.

THE Courts of Sudder Dewanny Adawlut, having had under consideration the practice, which now obtains, in regard to the transmission of the requisitions of moonsiffs to the several judicial and revenue authorities, and, from the representations laid before them on that subject, being of opinion that the practice of constituting the zillah judge, to whom

the moonsiff may be subordinate, the channel for making such requisitions, answers no useful purpose, while it tends to impede the despatch of business in both courts, are pleased to prescribe the following rules to be observed in future, in such cases.

2. Paragraph 5 of the Circular Order, No. 59, dated 16th November 1839, is hereby rescinded, and the rules contained in the remaining paragraphs of that circular are extended to the courts of moonsiffs, with the exception, that, when a moonsiff may have occasion to employ the Government post as the channel for conveying any requisition or application to the authorities, or persons, referred to in the Circular Order above cited, or to Mahomedan or Hindu law officers, as mentioned in Circular Order, No. 213, dated 8th July, [Western Provinces 5th August] 1842, he shall enclose his requisition, or application, in an open envelope, and transmit the same to the zillah judge, who, with due observance of the post office rules, will seal, frank, and forward the same for despatch to its destination.

TO THE CIVIL AND SESSION JUDGES IN THE LOWER AND WESTERN PROVINCES.

Lower Provinces, 21*st April*,
Western Provinces, 26*th May*, } 1843.

No. 10.

References for the opinion of the Advocate General to be submitted through the Court.

PURSUANT to the orders of Government, the Court are pleased to direct that you will submit through them all references you may have to make for the opinion of the advocate general on points of English law.

TO THE SEVERAL CIVIL JUDGES IN THE WESTERN PROVINCES.

Western Provinces, 24*th April*, 1843.

No. 11.

Notifies the abolition of the office of provincial pundit in the Western Provinces, and directs that judges shall, on all occasions, where an exposition of the Hindu law may be required, address their applications to the sudder pundit.

IN Circular Orders of Sudder Dewanny Adawlut, No. 113, dated 30th October, 1840, the civil judges in the North Western Provinces were informed of an arrangement, adopted under instructions from the Supreme Government, for the purpose of securing to the zillah courts, when required, an exposition of Hindu law, from a regularly constituted officer, in substitution of the system which had up to that time existed, and under which a Hindu law officer was attached to the establishment of each zillah court. In pursuance

of the principle described in the 2d paragraph of the circular referred to, three* provincial circles were established, and the pundits therein named, were vested with jurisdiction as Hindu law officers in each of the zillahs comprised in their respective circles. Experience, however, has proved, that the requisitions of the zillah courts for opinions on points of Hindu law, are so infrequent that a single pundit may easily attend and reply to all, and has suggested the inutility of maintaining the provincial offices of that nature.

* Benares, Cawnpore and Delhi.

2. The Court are pleased to notify, for general information, that, under the authority of Government, the office of provincial pundit has been abolished, and to direct that, from and after the promulgation of this order, the zillah and city judges shall, on all occasions, when an exposition of the Hindu law may be required, address their applications to the sudder pundit† who has been constituted sole Hindu law officer for the jurisdiction of the North Western Provinces.

† Shevochurn Bajpeeye.

3. This is to be understood as superseding the Circular Orders of Sudder Dewanny Adawlut, North Western Provinces, No. 113, dated 30th October 1840.

TO THE CIVIL AND SESSION JUDGES IN THE LOWER PROVINCES.

Lower Provinces, 27th April, 1843.

No. 12.

Subjects on which the local authorities, in the Lower Provinces, are to correspond with the Government direct.

PURSUANT to instructions from the Government, the Court request that all communications, heretofore made to them, on the following subjects, be in future addressed direct to the Judicial Secretary.

1. Application for leave of absence whether on the part of the judges themselves or on the part of the principal sudder ameens and sudder ameens.

2. Appointment, promotion, and transfer of uncovenanted judges, above the grade of moonsiff, reports of vacancies in the offices of principal sudder ameen, sudder ameen, and moonsiff of the 1st grade, to be made direct, so that the Government may receive, without delay, all information necessary to make the required appointments. With regard to moonsiffs of the 1st grade, a report is also to be made to the Court, to enable them to make arrangements for filling up the vacant office.

3. Erection and repair of public works and buildings.

TO THE CIVIL AND SESSIONS JUDGES IN THE WESTERN PROVINCES.

Western Provinces, 1st May, 1843.

No. 13.

Directs that, on every occasion of transmission to the Sudder Court of vernacular proceedings, a report from the record keeper, attested by the judge, of corrections and interpolations in the papers, and a certificate of their correspondence with the list, prefixed, shall accompany the record.

RECENTLY, frequent instances have come under the notice of the Court, in which the papers filed with the record of a case, either called for, or sent up in regular course, have not corresponded with the lists prefixed to the "*misl*," or in which certain parts of the record have been found to bear marks of correction and interpolation, the origin and authenticity of which it is hardly possible, without some more efficient check than at present exists, to ascertain. The Court, therefore, with the view of preventing the inculpation of persons innocent of such interpolation, whether fraudulent or otherwise, and of obviating the necessity of frequent references to the zillah courts regarding discrepancies, between the papers on record, and the lists prefixed to them, which examination on their receipt in this Court may elicit, are pleased to direct, that in future a report, signed by the record keeper and attested by the judge of each zillah court, containing a specification of corrections or interpolations in the pleadings or evidence filed with the case, and certifying that, previous to despatch, the papers of the *misl* have been on examination found to correspond with the prefixed list, shall invariably accompany every record, which may be forwarded, either in accordance with a requisition of the Court, or in due course of practice.

2. This rule is, *mutatis mutandis,* to be considered applicable to sessions judges in sending up records of trials for sentence, or in referring cases for order or opinion according to the provisions of Act XXXL of 1841, and generally on every occasion, which may render the transmission of vernacular proceedings necessary.

3. The civil and sessions judges are hereby required to enjoin the observance of a similar practice on their subordinates respectively.

TO THE SEVERAL CIVIL JUDGES IN THE WESTERN PROVINCES.

Western Provinces, 1st May, 1843.

No. 14.

Modifies Circular Orders, No. 127, dated 12th December 1834, and No. 88, dated 19th June 1840, touching the quarter-

WHEREAS the quarterly statements of requisitions relating to execution of decrees, required by the Circular Orders, Sudder Dewanny Adawlut, No. 127, dated 12th December 1834, and No. 88, dated 19th June 1840, to be forwarded to the commissioners of revenue and to the Court respectively, are in many cases extremely voluminous, and whereas the bulk of the statement may be largely reduced without any diminution of its

ly statement of unexecuted decrees, furnished by judges to commissioners of revenue and Sudder Dewanny Adawlut.

utility as a check and preventive of delay on the part of the revenue authorities in attending to the requisitions of the civil courts, the Court are pleased to notify, for the information and guidance of the zillah and city judges, the following modifications of the circular instructions above referred to.

2. It shall not be necessary in future to include in that copy of the statement to be transmitted to the commissioner of the division any other cases than those in which delay is imputable to the collector, and is not satisfactorily accounted for by the explanatory remarks, which that officer is required to append to the statement. While this will save the labor and time expended in the transcription of much useless and irrelevant matter, it will leave the document as efficient as it has been found hitherto, for all purposes of supervision and control.

3. The statement, which will, as heretofore, be submitted for the revision of the Court, will comprise all cases, in which requisitions for their aid in execution of a decree may have been made to the revenue authorities, and in which the decree may remain unexecuted at the *time* of the *preparation* of the required report: such as have been fully enforced previous to that period, may be omitted, the object of the return being the detection and correction of dilatory conduct in this matter on the part of collectors, and not the compilation of a register of such cases, instituted, pending and disposed of within the quarter.

4. In the statement, however, which the zillah and city judges are required to forward for the information of the Court, they should indicate by a note in the column of remarks those cases which have been excerpted therefrom, and have been forwarded to the commissioner, with a view to the interposition of his authority in expediting the disposal of them, as directed in the 2d paragraph of this circular.

5. The first report under these orders will be made for the quarter ending 30th June 1843.

TO THE SEVERAL CIVIL AND CRIMINAL AUTHORITIES IN THE LOWER AND WESTERN PROVINCES.

Lower and Western Provinces, 2d May, 1843.

No. 15.

Directs registration prospectively, of all security bonds executed by the sureties of treasurers, naibs and

WITH reference to the provisions of Act I. of 1843,* which enact that, henceforward, all registered documents shall take precedence of others not so attested, the Court con-

* See the modified provisions contained in Act XIX. 1843.

ceive that a due regard to the security of the interests of Government requires, that all security bonds executed by the securities of treasurers, nazirs, and other ministerial officers, attached to the judicial courts, should be duly registered in conformity to the conditions of the enactment cited; and are accordingly pleased to direct, that all such, and other documents likewise of a similar character, by the annulment or repudiation of which the interests of Government are liable to be injuriously affected, shall be subjected to registry; [that the civil and criminal authorities in the Lower Provinces shall satisfy themselves that the lands to which the registered security deeds relate have not been already conveyed away by any previously registered deeds,*] and that such registration [and scrutiny] shall be deemed an indispensable preliminary to their acceptance as good and valid engagements. The fees attendant on this process, must be defrayed by those from whom security is demanded, and whose tenure of office is dependent on their compliance with such requisition.

other ministerial officers attached to the judicial courts.

2. As the validity of deeds, bonds, and documents of every description, executed previously to the passing of this enactment, is not affected by its provisions, the registration of such need not be insisted on. These instructions are intended to have prospective effect only.

TO THE SEVERAL CIVIL AUTHORITIES IN THE LOWER AND WESTERN PROVINCES.

Lower Provinces, 5th
Western Provinces, 25th } *May*, 1843.

No. 16.

Precautionary rules for preventing the refilling of stamps which have already been made use of.

NUMEROUS recent instances of the detection of fraud in the surreptitious abstraction from civil records, of stamped paper already once filed in court and applied to its destined use, and of the refilling of the same a second time after washing, or otherwise obliterating the original writing thereon, sometimes in real, but often in fictitious cases, have led the Courts of Sudder Dewanny Adawlut at Calcutta and Allahabad, in conjunction with the Board of Customs and Revenue, to consider what are the most effectual means of checking the recurrence of such frauds, with a view to prescribing some general precautionary rule for the prevention of practices, which cause serious loss to the state, and which, it is obvious, the warning conveyed by the Circular Order of the Court No. 142, dated 10th April 1835, announcing a discovery of similar malpractices in zillah Futtehpore, has not served to repress.

* The clauses within brackets were added by the Presidency Court.

2. Frauds of the nature alluded to are understood to have been usually effected in two ways: 1st. By abstracting from the old "nuthees" of decided suits, sheets of blank stampt paper, not unfrequently found to have been filed with the record, in consequence of no paper of the exact value wanted having been in store at the time with the stamp officer or vender, and appropriating the same for a fresh suit. 2nd. By abstracting from the record old *written* stamps, and refiling the same as new, after erasure of the former writing by washing or some chemical process.

3. The Court observe, that in the Futtehpore frauds, and on an occasion lately reported by the judge of Cawnpore, the connivance or confederacy of Government servants, connected with the record office, was proved, or suspected; and it will be obvious, that the abstraction of stamps from *mists* could seldom occur without the knowledge, or culpable negligence, of the umla of the record department. But as a penal visitation on those officials, by dismissal or criminal prosecution, can only meet the particular occasion of fraud, without producing any general or extensive moral effect in deterring others, beyond the locality or district where it may occur, it appears desirable to devise a plan, that may operate as an effectual preventive and bar to the acts now denounced.

4. The Court are accordingly pleased to direct as follows:

To prevent a repetition of the first kind of fraud, described in paragraph 2 of this circular, judges will cause the records of decided suits deposited in the dufters, both of their own and the subordinate civil courts, to be inspected, and, where any blank stamps may be found, will destroy the same, certifying in Urdu, attested by their full English signature, on the back of the paper on which the plaint has been written to the *left* hand side of the *lower* stamps, that a piece of stampt paper of such a value, bearing such a number and endorsement of the vender, filed with the stamp whereon the certificate is written, as having been required to make up a given amount of stamp duty, has been destroyed in their presence. A similar course will be followed in regard to blank stamps of this kind, that may hereafter be filed in any court, when the case shall have been finally decided, but not prior to such decision.

5. To obviate the commission of the *second* kind of fraud, the Court have resolved on directing the *punching* of *all* stampt paper once given in to any court, applied to its destined use, and *not liable to be returned to the party filing it*, and consequently no longer legally available for any other purpose, by which means both a permanent mark will be affixed, and the written stamp remain uninjured for objects of record.

6. It is, therefore, ordered that no writing shall be engrossed in the face or reverse of any stamp impression, and that each sheet of stampt paper filed in any civil court, native or European, for permanent retention with the record, shall have a circular piece of 3-8ths of an inch diameter cut out from the upper circular stamp, (whether of the stamp office or the treasury,) by the aid of an instrument similar to the wadcutter of a gun,—it being essential to enjoin one uniform mode and part of the stamp for performing the operation, as a guide to the eye where to look in order to the detection of any filling up of the hole in the punched paper, which must be supposed to have been effected, or attempted, prior to a fraudulent presentation over again of an already used stamp. While the removal of a part of the inscription of the stamp will render the restoration of the characters defaced, extremely difficult, the size of the part so removed, cannot in any case so mutilate the impression, but that sufficient must remain to indicate the value of the stamp and the office in which it was impressed, independently of the impression at the lower end of the paper.

7. It is meant that the stamps in *all decided cases*, as well as those now filing or to be filed, shall be subjected to this process. In the *former* case, judges will confide the duty to their serishtadar or record keeper, themselves afterwards inspecting each case, in bundles of 20 or 40 at a time, to satisfy themselves, before return of the record to the duftur, that what was required has been duly performed. This will also present a good opportunity for examining whether any stamps are missing from old decided suits, which may have been abstracted for the purpose of being filed over again. As respects cases now pending, the same course will be followed after decision, before their final consignment to the duftur of the zillah court.

8. As regards plaints and other stampt papers, liable to be punched, which may be filed after this order takes effect, the duty of using the instrument for punching will be assigned, in each court, to the serishtadar or other officer who receives the paper—and judges of both the zillah and subordinate courts, who sign the order for such stampt paper being filed, are cautioned to attach their signature to no paper of the kind requiring to be punched, which has not undergone that process.

9. Officers are, at the same time, warned to exercise special care, that documents or exhibits, copies, or other authenticated writings, engrossed on stampt paper, which are *not* required to be kept in the offices to which they may be presented, and *which are liable to be returned to the parties*, are exempted from the punching process. Otherwise confusion and further occasion for fraud are likely to arise.

TO THE CIVIL JUDGES IN THE LOWER PROVINCES.

Lower Provinces, 19th May, 1843.

No. 17.

Prescribing a form of heading for orders other than roobakaraes.

THE Court are pleased to direct that all judges, covenanted and uncovenanted, shall invariably head all orders passed by them, where no formal roobakaree is written, in the following manner:

اِجلاس مٹیں فلان صاحب جج یا صدر امین اعلیٰ اول یا دوم یا صدر امین یا منصف جؤکي فلان ضلع فلان حکم بتٹید تا ریخ

বৈঠক শ্রীযুত অমুক জজ সাহেব বা প্রথম প্রধান সদর আমিন কি দ্বিতীয় প্রধান সদর আমিন বা সদর আমিন কি মুন্সেফ অমুক চৌকি অমুক জেলা হুকুম তারিখ সংযুক্ত

TO THE CIVIL JUDGES IN THE LOWER AND WESTERN PROVINCES.

Lower Provinces, 19th May,
Western Provinces, 17th June, } 1843.

No. 18.

Prescribing rules for the investigation of the validity of the security tendered in cases of appeal to the Privy Council.

I AM directed to request your attention to the following rules, for the guidance of the district judges, in the investigation of the validity of the security tendered in cases of appeal to the Privy Council.

2. When security bonds, for costs of appeal to England, are transmitted by the Sudder Dewanny Adawlut to the zillah courts for enquiry, the zillah courts shall take any objections offered to such bonds, enquire into them, and report on their validity, as is the practice in issue of process for execution of exparte decrees, &c.

3. Should objections be offered in time enough to admit of their being investigated, within the period of six months now allowed for the investigation into the validity of the security, the judge will make the enquiry, and forward the record within the time prescribed.

4. Should the objections, however, be offered at such a period as to render it impracticable to enquire into them within the six months allowed for investigation of the security, the judge shall allow three months from the date of the expiration of the six

months, to the objector to prove his objections, on the expiration of which further period, he shall forward the record to the Sudder Court

5 Objections urged, after the expiration of the six months allowed for the investigation of the security, will not be admitted by the judge

6 Whenever objections are urged to the security tendered, the judge shall immediately forward a copy of the petition of objections, together with a copy of his order thereon, to the Sudder Dewanny Adawlut.

7 On the papers being ordered for despatch to the Sudder Dewanny Adawlut, the zillah judge shall give intimation of the same by notice to the objector, if present, or his vakeel or agent, desiring the objector to appear, within fifteen days from the date thereof, in the Sudder Dewanny Adawlut, and shall forward his acknowledgment of service of notice together with the records

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TO THE CIVIL JUDGES IN THE LOWER AND WESTERN PROVINCES

Lower Provinces, 26th May, } 1843
Western Provinces, 13th June, }

No 19

Directs that all cases of execution of decrees within the scope of Sec 5 Act VI 1843 be transferred to the courts of first instance.

IT having been enacted by Section 5, Act VI of 1843, that "decrees passed in the courts of the judges or principal sudder ameens in cases of appeal from the decisions of sudder ameens or moonsiffs, shall be executed by the courts in which the original decisions were passed," and that "applications for the execution of such decrees shall be presented to the Court of original jurisdiction" the Courts of Sudder Dewanny Adawlut at Calcutta and Allahabad are pleased to direct that all cases of execution of decrees of the nature above described, which may now be pending in the courts of the judges or principal sudder ameens, be immediately transferred to the courts of first instance, respectively, for prosecution and eventual adjustment

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TO THE SEVERAL CIVIL JUDGES IN THE WESTERN PROVINCES

Western Provinces, 29th May, 1843

No 20

Certain correspondence promulgated for the guidance of civil judges Western Provinces touching adjustment of wasilat accounts

THE Court are pleased to promulgate, for the information and guidance of the civil judges in the North Western Provinces, the following correspondence with the Sudder Board of Revenue, North Western Provinces, relative to the adjustment of "wasilat" accounts

From the officiating Register of the Western Court to the Secretary to the Sudder Board of Revenue, North Western Provinces, No. 763, *dated* 8*th April*, 1843.

The question of the adjustment of "wasilat" accounts in the execution of decrees, having been under the consideration of the Judges of Sudder Dewanny Adawlut, who are desirous to prescribe some general rules for the disposal of these troublesome and seldom satisfactory investigations, I am directed by the Court to request that you will ascertain from the Sudder Board of Revenue, their opinion as to the degree of confidence that may be placed in the "jummabundees," periodically recorded in the purgunnahs and sudder revenue offices, in the new form prescribed by the Board, as bonâ fide rent rolls of the estates to which they relate; and also whether they exhibit accurately the rents, which a proprietor may with proper management collect, and for the non-realization of which he should be considered responsible generally, in any subsequent adjustment of wasilat accounts.

2. The Court suppose that there may be occasions, when the non-realization of the whole rent-roll would involve no neglect or culpability on the part of the incumbent manager; but it would facilitate the execution of their present plan, to be assured by the Board, that such cases form an exception to the general state of things, and that such exceptions are rare, and that it is, in the opinion of the Board, just to throw upon the manager, who may not have realized the entire rent-roll exhibited in the jummabundee, the onus of proving that, from circumstances beyond his control, it was not susceptible of realization.

From the Secretary to the Sudder Board of Revenue, North Western Provinces, to the officiating Register of the Western Court, No. 20, *dated* 12*th May*, 1843.

I am directed to acknowledge the receipt of your No. 763, dated 8th ultimo, and in reply to inform you, that the Sudder Board of Revenue are of opinion that, in districts where the settlement has been completed, and the new system of accounts brought fully into practice, the putwaree's papers as required by Section 7 of Circular Order No. 111, will be found to furnish a complete return of the rents of each year for estates paying money rents, and may be taken as a satisfactory basis for adjusting the wasilat accounts of such estates, in execution of decrees of court.

2. Cases will readily occur to the Court, in which, for obvious reasons, attempts may be made to falsify the accounts of estates under litigation; but it can rarely happen, the Board remark, that any material falsification of an account will escape detection, if care be taken to compare the suspected account with those of former periods.

3. The Board would consider that, as a general rule, the party in possession of a rent paying estate should be held to have realized in any given period such amount of rent as, one year with another, has been collected in former corresponding periods, after making due allowance for such reasons as may be urged to the contrary.

TO THE SEVERAL CIVIL JUDGES IN THE LOWER AND WESTERN PROVINCES.

Lower Provinces, 14*th July*, } 1843.
Western Provinces, 5*th August*, }

No. 21.

Further instructions regarding the rule requiring appellants to name all the respondents in petitions of appeal.

WITH reference to paragraph 3 of the Circular Order No. 211, dated 1st July 1842, I am directed to request that when a petition of appeal, in which all the respondents are not named, may be presented to you, you will certify to this Court, in forwarding the appeal, that the party appealing, or his representative, has been apprised of the rule of the circular. The certificate to this effect, should form part of the proceeding of your court forwarding the petition of appeal.

2. The rule above alluded to, is, of course, not applicable to cases in which the appellant may purposely omit to name, or in any manner indicate, as respondents, any of the parties to the original suit in the court of first instance: as for instance, if A sue B and C, obtain a decree against B, and appeal only from that portion of the decree of the lower court which dismisses his claim against C, not including B amongst the respondents, it will not be necessary in such case for the appellate court to serve notice upon B.

3. You are requested to draw the particular attention of the principal sudder ameen to the foregoing orders.

TO THE SEVERAL CIVIL JUDGES IN THE WESTERN PROVINCES.

Western Provinces, 19*th July*, 1843.

No. 22.

In continuation of Circular Orders, No. 14, 1st May last, directs the insertion of certain particulars in the quarterly report

IN continuation of Circular Orders of Sudder Dewanny Adawlut, North Western Provinces, No. 14, dated 1st May last, the Court desire that judges will be careful in preparing their quarterly reports of requisitions to the revenue authorities, in matters relating to the execution of decrees, to insert in the statement the name of the mouzah to which each decree relates, as well as that of the pergunnah and district in which it

of requisitions to the revenue authorities touching the execution of decrees.

may be situated. This particularization, while it will impose but little additional labor on the judges and their establishments, will facilitate the supervision which commissioners are expected to exercise in those divisions where two or more zillahs may be within the jurisdiction of one civil court.

TO THE SEVERAL CIVIL JUDGES IN THE LOWER AND WESTERN PROVINCES.

Western Provinces, 5th August, } 1843.
Lower Provinces, 8th September, }

No. 23.

Notifies the extension of the rules prescribed in Circular Orders Nos. 83 and 167, dated 8th May, 1840, and 24th September, 1841, to all cases in which a process of attachment under Regulation II. of 1806, may issue against property situated in the jurisdiction of a court other than that by which the sequestration may be directed.

THE Circular Orders of the Sudder Dewanny Adawlut, Nos. 83 and No. 167, dated respectively the 8th May 1840 and 24th September 1841, direct, that applications for the sale of property lying within the limits of another jurisdiction, shall be transferred to the judge of the district in which the property to be brought to sale is situated, and that all proceedings and incidental investigations consequent thereon, shall be conducted by that officer in the same manner as the court issuing the process would have done had the property been situated in its own jurisdiction. The Court of Sudder Dewanny Adawlut, considering that the principle of this rule is equally applicable to processes of attachment which may be ordered under the provisions of Regulation II. of 1806, and that the general observance of it in such cases will be productive of convenience to the community and of expedition in the determination of claims or objections to the sequestration of property, lying within the jurisdiction of a court other than that ordering the attachment, are pleased to extend its application to all occasions of the nature adverted to, and hereby notify such extension accordingly.

TO THE SEVERAL CIVIL JUDGES IN THE LOWER AND WESTERN PROVINCES.

Lower and Western Provinces, 7th August, 1843.

No. 24.

Vakeels of the lower courts who may be, detected in making misstatements relative to the procedure of those courts, liable to dismissal.

THE Court have not infrequently had occasion to remark a disposition on the part of vakeels, attached to the local judicial tribunals, to mislead, by statements having little or no foundation in truth, the vakeels employed to conduct appeals preferred to the Sudder Dewanny Adawlut, and, by imputing irregularity of procedure, totally unconnected with the merits of the pending suit, to throw aspersions on the character of the subordinate judicial functionaries, who, on enquiry, have been fully exculpated from the charge.

2. It is desirable, that a practice so disingenous and reprehensible, and so entirely useless as regards the claims and interests of the litigant parties, should be discouraged, and the Court are accordingly pleased to notify, for general information, that any vakeel, attached to a zillah or any subordinate court, who may be hereafter detected in making misstatements relative to the manner in which proceedings may have been conducted in those courts, in any case subsequently appealed to the Sudder Dewanny Adawlut, shall be liable to immediate dismissal from his situation.

3. The several civil judges are directed to affix a copy of this circular order in the native language in a conspicuous part of their court, and of every subordinate court in each district.

TO THE CIVIL JUDGES IN THE LOWER AND WESTERN PROVINCES.

Lower Provinces, 11*th* } *August*, 1843.
Western Provinces, 28*th* }

No. 25.

Paragraph 2 of Construction No. 1235, rescinded.

THE principle which formerly regulated the correspondence of moonsiffs with the covenanted officers of Government, having been superseded by the Circular Order of the Sudder Dewanny Adawlut No. 9, dated 15th [Western Provinces 28th] April last, the Court are pleased to notify, for general information, that the 2d paragraph of Construction No. 1235, which, in pursuance of that principle, imposed on the functionaries named, the obligation of issuing their processes, to be served in other districts, through the channel, and under the seal and signature of the judge to whom they might be subordinate, has been rescinded.

TO THE SEVERAL CIVIL JUDGES IN THE LOWER AND WESTERN PROVINCES.

Lower Provinces, 11*th* } *August*, 1843.
Western Provinces, 28*th* }

No. 26.

Circular Order No. 1, 6th June, 1828, which prescribes the temporary retention of sale proceeds, modified and explained.

THE Court notify, for the information and guidance of the zillah and city judges, that that portion of Circular Order, Sudder Dewanny Adawlut, No. 1, dated 6th June 1828, which prescribes the retention of proceeds of sale in deposit "until possession shall have been given to the purchaser," has been ruled, by the concurrent opinion of both Courts of Sudder Dewanny Adawlut, to be beyond the requirements of the law, and practically inexpedient and inconvenient, and has been accordingly cancelled.

2. The Court take this opportunity of noticing an erroneous practice, which has been found to be generally prevalent, in giving effect to the rule contained in the commencement of the Circular Order above alluded to. In disposing of objections preferred by an Oozurdar, a date should be *at once* fixed for the sale, the prescribed period for the institution of an appeal being however invariably allowed; and the practice, which is found to obtain extensively, of postponing in the first instance the further consideration of the case for the above term, and after its expiry issuing the customary orders for the sale process, should be abandoned, as having a tendency to delay unnecessarily the ultimate execution of the decree.

TO THE CIVIL JUDGES IN THE LOWER AND WESTERN PROVINCES.

Lower Provinces, 11*th* } *August*, 1843.
Western Provinces, 20*th* }

No. 27.

Rules to be observed in the admission of applications for permission to sue as *formâ pauperis*.

THE Court, having had occasion to reconsider their printed Circular No. 170, dated 12th November, 1841, in connection with the provisions of Section 8, Act XXV. of 1837, direct me to request that you will consider the circular as superseded, and in future, conform to the following rules in cases of the nature therein referred to.*

1. The judge will himself decide, under the provisions of Section 1, Act IX. of 1839, as to the existence of sufficient grounds for the institution of a suit in the case of parties applying to sue in *formâ pauperis*, before referring the petition to the principal sudder ameen for enquiry as to the pauperism of the plaintiff.

2. The judge, having decided the point under Act IX. of 1839, may, under Section 8, Act XXV. 1837, refer the petition to the principal sudder ameen to dispose of as to the question of pauperism; and from his order, admitting or rejecting the application, there will be an appeal to the zillah judge.

TO THE SEVERAL CIVIL JUDGES IN THE WESTERN PROVINCES.

Western Provinces, 12*th August*, 1843.

No. 28.

Directs specification of valuation of property in all vakalutnamahs filed

IT having been brought to the notice of the Court that, from the circumstance of the amount value, annual rent, or other estimated money equivalent of the property, which is

* This sentence did not form a part of the Western Court's Circular, as the C. O. No. 170 was not issued by them.

the subject of objections, not being specified by the objector, much difficulty is not only experienced in determining the amount of the fees of the vakeel of the successful party, but without investigation and inquiry such determination becomes often impracticable. The Court therefore resolve, that the amount value, annual rent, or other estimated money equivalent of the property, which is the subject of objections, shall be specified in all vakalutnamahs filed on the part of objectors, in the petition of objection, and in the proceeding of the court granting or rejecting the same; and that the amount of the fees of the vakeel of the successful party shall be awarded against the party cast, with reference to the said valuation.

with the petition of objections, and in the proceeding of the court granting or rejecting the same.

TO THE CIVIL AUTHORITIES IN THE LOWER AND WESTERN PROVINCES.

Lower and Western Provinces, 21st August, 1843.

No. 29.

Further rules regarding the remuneration of ameens.

THE Circular Orders of the Sudder Dewanny Adawlut, No. 177, dated Lower Provinces 31st December 1841, and Western Provinces 17th January 1842, prescribe rules for the remuneration of ameens, who may be employed on any specific duty by the civil courts, and make the deputation of an ameen into the mofussil for the performance of certain local acts, described in the two first clauses subjoined to paragraph 2 of the Circular Order, contingent on the prior deposit in court of the amount, to which, on completion of the work committed to him, he may be entitled, while paragraph 9 of the same circular, declares the amount of commission legally receivable by ameens for the duty of attaching and selling property, and paragraph 10 makes provision for their compensation, on the occurrence of certain contingencies therein alluded to. The omission to make the prepayment of such dues, a condition of the deputation of an ameen into the mofussil, has been found productive of much inconvenience and occasional hardship.

2. The commission of one anna in the rupee, on the proceeds of sale, can of course only be levied on completion of that process; but an ameen appointed to attach and sell property will, the Court remark, under any circumstances, be entitled to the remuneration described in the 10th paragraph of the Circular Order above cited, and the exaction of prepayment to that extent, with the condition of a corresponding allowance being made in calculating the commission receivable by the ameen on completion of sale, will secure to the ameen the timely reception of his just compensation, and will relieve the court, by which the process may have been issued, from the necessity, now too frequent, of having recourse to harsh measures for the subsequent realization of ameen's fees.

3. The Court therefore direct that, whenever an application for the attachment and sale of property in execution of a decree shall be presented, the decree-holder shall be required to deposit in court the amount of compensation to which the ameen will be entitled under the 10th paragraph of the Circular Order, and the ameen shall on no account be deputed until such sum have been paid in. If the sale be carried out to completion, the decree-holder will be allowed credit for the amount thus prepaid in calculating the demand to which he would be liable for the commission of one anna in the rupee on sale proceeds, and a comparatively small proportion will remain to be collected; and if, on the other hand, any one of the contingencies described in the three first clauses of paragraph 9, occur, the remuneration claimable by the ameen will be ready for delivery, without subjecting the decree-holder to the harassing demands of the court, or the ameen to the hardship which delay in the realization of his dues might occasion.

TO THE SEVERAL CIVIL JUDGES IN THE LOWER AND WESTERN PROVINCES.

Lower and Western Provinces, 21*st August*, 1843.

No. 30.

Form of proclamation on occasion of property being attached and brought to sale in execution of decrees.

THE Court request that the annexed form of proclamation may be generally adopted, on all occasions of property, real or personal, being attached and advertised for sale in execution of decrees by the zillah and all the subordinate courts.

2. The several judges will use their discretion in indenting on the superintendent of the lithographic press at Calcutta, for a sufficient supply of lithographed forms of the prescribed proclamation, according to the requirement of their respective courts.

اِشتہار نیلام

مجاریہ محکمہ ضلع

بابت اِجرائے ڈکری مقدمہ

بنام

مسمی

نیلام حق اور مرافق

متعلقہ جایداد مفصلۂ ذیل کے واسطے وصول زر ڈکری مرقومہ

سنہ ۱۸ عیسوي تعدادي

ہرکوئي اِس بات سے مطلع ہو جیوکہ

في فرد تعلینہ جایداد مدرجۂ ذیل

کے بدرخواست نیلام ہوْنے اُسکے واسطے وصول زرا پسے ذکري

کے جوْ اُوپر مذکور ہے

سنہ ۱۸ عیسوي کوْ گذرا ہے اوْر مطابق درخواست مذکور کے

اشتہار واسطے اطلاع عام کے اِس مضمون سے جاري ہوْتا

ہے کہ تاریخ ماہ سنہ ۱۸

عیسوي کوْ مقام برگنہ ضلع

میْن نیلام حق اوْر مرافق مسمي کا جایداد مذکورۂ

ذیل میْن جوْ کچھہ کہ ہوا دس گھنتہ صبح سے شروع ہوْگا پس جس

کسیکوْ حق اوْر مرافق مذکور خریدکرنا منظور ہوْ مقام مزبور میْن

وقت معینہ پر اصالتاً یا بحیثیت وکالتاً حاضر ہوْ کے خریدکرے

شرایط نیلام

دفعۂ ۱ سوائے حق اوْر مرافق مدعا علیہ کے اُس جایداد

میْن کوْئي دوسرا حق اوْر مرافق نیلام نہوْگا

دفعۂ ۲ اوْر جب نیلام ختم ہوْگا تب خریدار نیلام کوْ زر ثمانیہ

بقدر دس روپیہ سیکڑہ زر ثمن پر بمجرد اختتام نیلام کے اوْر باقي

زر ثمن جایداد غیر منقولہ کا اندر میعاد پندرہ دن کے اوْر جایداد

منقولہ کا چوْبیس گھنٹے کے اندر میْن داخل کرنا ہوْگا تب خریدار

نیلام شے نیلامي پر دخل اوْر قبض پاوبگا

دفعۂ ۳ اگر خریدار نیلام زر بیعانہ داخل کر کے وقت نیلام جایداد غیر منقولہ سے پندرہ دن کے اندر اور جایداد منقولہ سے چوبیس گھنٹے کے درمیان ما بقی زر ثمن ادا نکریگا تو جایداد مذکور پھر کر نیلام ہوگی اور نقصان جو کچھ کہ بنسبت نیلام ثانی کے عاید ہوگا خریدار اول سے وصول ہو کے مع زر بیعانہ اور زر ثمن نیلام ثانی کے مدعا علیہ کے نام سیاہہ ہو جایگا اور خریدار کو بقدر زر دکری کے دلایا جایگا

دفعۂ ۴ اگر خریدار نیلام بمجرد اختتام نیلام کے زر بیعانہ داخل نکریگا تو جایداد مذکور اُسی وقت نیلام ہوگی اور زر ثمن نیلام خریدار ثانی سے اور جس قدر نقصان بسبب نیلام ثانی کے ہوا ہو خریدار اول سے وصول اور مدعا علیہ کے نام سیاہہ ہو کر دخریدار کو بقدر زر دکری کے دلایا جایگا

دفعۂ ۵ اور دونو صورت میں جو کچھ فائدہ بسبب نیلام ثانی کے ہووے مدعا علیہ کے نام سیاہہ ہو کر دخریدار کو بقدر زر دکری کے دلایا جایگا فقط

واضح ہو کہ آج تک جایداد مذکور کے بسبب عذرداری
کے طرف سے داخل
تحریر فی التاریخ ماہ سنہ ۱۸ عیسوی

تفصیل جایداد

নীলামের ইস্তেহার।

জারির মহকুমা জিলা
বাবত্ ডিগ্‌রিজারির মোকদ্দমা
বনাম

শ্রী

নীলাম হকিয়ত ও তৎসংক্রান্ত।

নীচের লিখিত মতালক জায়দাদ জাহা ডিগ্‌রির টাকা উসুল নিমিত্তক লিখিত তারিখ সন ১৮ সকলে এবিষয় অবগত হইবা যে
নীচের লিখিত জায়দাদের তালিকার ফর্দ্দ আপন ডিগ্‌রির টাকা উসুলের নিমিত্তে উপরোক্ত বিষয় জাহা নীলাম হওনের জন্য সন ১৮ ইঙ্গরেজীতে দাখিল করে এবং ঐ দরখাস্ত অনুসারে সকলের জ্ঞাতার্থে ইস্তেহার এই মজমুনে জারী হইতেছে যে
তারিখ মাহা সন ১৮
ইঙ্গরেজী জিলা পরগনার
মোকামে নীচের লিখিত জায়দাদে শ্রী যেকিছু হক্ থাকে প্রাতে দশ ঘণ্টার সময় নীলাম সুরু হইবেক জাহাকে উক্ত হকিয়ত খরিদ করা প্রয়জন হয় মোকাম মজকুরে উক্ত সময়ে স্বয়ং কিম্বা মোক্তারকারের দ্বারায় হাজির হইয়া খরিদকরে

নীলামের সরায়েত।

১ দফা। উক্ত জায়দাদসংক্রান্ত মুদ্দাআলেহের জাহা হক্ আছে তদব্যতিরেকে অন্য কাহার হকিয়ত ও তৎসংক্রান্ত বিষয় নীলাম হইবেক না।

২ দফা। জখন নীলাম সাঙ্গ হইবেক তখন নীলাম খরিদারকে নীলামি টাকার উপর শতকরা ১০৲ টাকার হিসাবে বায়েনার টাকা নীলাম হইবামাত্র আর বাকী টাকা স্থাবর বস্তুর ১৫ দিবস মেয়াদে এবং অস্থাবর বস্তুর ২৪ ঘণ্টার মধ্যে দাখিল করিতে হইবেক তবে নীলাম খরিদার নীলামি বস্তুর উপর দখল পাইবেক।

৩ দফা। জদ্যপী নীলাম খরিদার বায়েনার টাকা দাখিল করিয়া স্থাবর বস্তু নীলাম হইবার সময় হইতে ১৫ দিবলের মধ্যে আর অস্থাবর বস্তুর ২৪ ঘণ্টার মধ্যে পোনের বাকী টাকা দাখিল না করিবেক তবে জায়দাদ মজকুর পুনরায় নীলাম হইবেক

আর যেকিছু নোকসান পুনরায় নীলামে হইবেক প্রথম খরিদার হইতে আদায় হইয়া পোনরাহা ও বায়েনার টাকা সমেত মুদ্দাআলেহের নামে লেখা হইবেক এবং ডিগ্‌রিদারকে ডিগ্‌রির আন্দাজ টাকা দেওয়ান যাইবেক।

৪ দফা। অদ্যপী নীলাম খরিদার নীলাম পূর্ণ হইবামাত্র বায়েনার টাকা দাখিল না করে তবে জায়দাদ মজকুর তৎক্ষণাৎ নীলাম হইবেক আর নীলামি টাকা ছানি নীলাম খরিদার হইতে এবং যে আন্দাজ টাকা নীলাম ছানিতে নোকসান হইবেক প্রথম খরিদার হইতে উসুল আর মুদ্দাআলেহের নামে লেখা হইয়া ডিগ্‌রিদারকে ডিগ্‌রির আন্দাজ টাকা দেওয়ান যাইবেক।

৫ দফা। এবং দুইপ্রকারেই যেকিছু লাভ দ্বিতীয় নীলামে হইবেক মুদ্দাআলেহের নামে লেখা হইয়া ডিগ্‌রিদারকে ডিগ্‌রির আন্দাজ টাকা দেওয়ান যাইবেক ইতি।

অপ্রকাশ না থাকে যে অদ্যাবধি
জায়দাদ মজকুরের বিষয়ে ওজরদারি
তরফ হইতে দাখিল
ইতি তারিখ মাহা সন ৯৮ ইং

জায়দাদের তফসীল।

TO THE SEVERAL CIVIL JUDGES IN THE LOWER AND WESTERN PROVINCES.

Lower and Western Provinces, 6th September, 1843.

No. 31.

Directs the insertion of certain particulars, as a marginal note, in applications for review of judgment.

THE Court request that whenever the judges may have occasion to submit an application for permission to review a former judgment, they will state, in the margin* of the report, which they are required by paragraph 3 of Circular Order, Sudder Dewanny Adawlut, No. 160, dated 27th November, 1835, to forward, the date on which the decree or copy of order, revision of which is sought, was delivered or tendered to the applicant, the date on which the petition soliciting review was presented, and the value of the stampt paper on which the said petition is engrossed. It has not unfrequently happened that, owing to the absence of information on the last head in the copies of papers submitted, a reference to the local judge has been necessitated, with a view of ascertaining whether the provisions of Clause 1, Section 2, Regulation II. of 1825, have been observed:

* Thus: 1. Date of decree or order.
2. Date on which the decree or order was tendered or delivered.
3. Date on which petition seeking review was presented.

the precautional measure hereby prescribed will obviate the necessity of such references, while the insertion of the particulars mentioned will impose but little, if any, additional trouble on the judges.

4. Value of stampt paper on which said petition is engrossed.

TO THE SEVERAL CIVIL JUDGES IN THE LOWER AND WESTERN PROVINCES.

Lower Provinces, 8th
Western Provinces, 28th } *September*, 1843.

No. 32.

Security may be demanded, at the discretion of the judge, for the attendance of persons preferring complaints against moonsiffs, till investigation thereof be completed.

THE Court have reason to believe, that various complaints of a vague and unfounded description are too frequently preferred against moonsiffs, with no other object than to throw suspicion and discredit on the character of those functionaries, who may have rendered themselves, no matter how, obnoxious; and that complainants having thus effected their purpose designedly fail to attend and prosecute their charges to a conclusion. The interests of Government on the one hand, and justice to the accused functionary on the other, demand that he should be allowed an opportunity of disproving, or defending himself from the imputation of official misconduct, and that the community generally should be deterred from bringing false and malicious complaints against such officers; and the Court are pleased accordingly to direct the attention of the several zillah and city judges to the principle enunciated in Section 7, Act XXVI. of 1839, which principle (notwithstanding the restriction of the law cited to investigation of matters implicating the public conduct of officers, not removable without the sanction of Government) is one of general application and beneficial tendency, and may be extended to enquiries into the truth of similar matters involving the character of moonsiffs. It is the desire of the Court, therefore, that in all instances of complaints being preferred against moonsiffs, the judge, before whom such complaint may be laid, shall use his discretion in demanding security from the person bringing the accusation, to be in attendance until the investigation thereof be completed, whenever, on its primary institution, there shall appear reasonable grounds for supposing that the complainant is actuated by sinister and malicious motives.

TO THE SEVERAL CIVIL JUDGES IN THE LOWER AND WESTERN PROVINCES.

Lower and Western Provinces, 13th September, 1843.

No. 33.

Prohibiting the practice of taking

INSTANCES having frequently been brought to the notice of the Court, of substantial injustice having been committed, and needless expence imposed upon parties having suits

cognizance, in suits under trial, of matters not set forth in the pleadings, and of instructing parties as to the mode in which they are to re-institute proceedings.

in the civil court, by the license assumed by some judicial functionaries, in taking cognizance of matters not set forth in the pleadings, and more especially in giving directions to one or both of the litigants to re-institute proceedings after a particular manner, to include other persons in the suit, and the like, which directions have been often found opposed to legal enactment and practice, and such as to necessitate a nonsuit, the Court desire that the judicial officers will strictly confine themselves to the adjudication of the point or points at issue between the parties, as set forth by themselves, [which points are required to be recorded with precision in the interlocutory proceeding directed by Section 10, Regulation XXVI. 1814;*] and that they will bear in mind, that they have no authority to declare judicially, that one or other party is entitled to bring his suit *de novo*, or to point out the form in which it should be revived.

2. If, for example, it should be pleaded by the defendant that the cause of action in any case arose in a jurisdiction other than that in which the suit may be instituted, that the suit has been brought on a wrong valuation, or that lapse of time or any other cause bars jurisdiction, it will be incumbent on the judge trying the case, to restrict himself in the first instance to that individual point, and, if satisfied of the validity of defendant's objections, to nonsuit the plaintiff accordingly, without entering upon the consideration of matters with which, as they cannot be investigated or adjudicated in his court, he can have no occasion to interfere, and without issuing any injunction for the renewal of the suit. In like manner, if, in hearing appeals, any irregularity in the institution of the suit, or in the proceedings of the court of first instance, should be observed, an order for re-trial of the case without any regard to the merits thereof should issue.

3. The objectionable practice hereby prohibited, is opposed to the obviously correct principle of allowing suitors to bring their suits in such form, and against such persons, as they themselves may judge expedient, and has given rise occasionally to the anomaly of a judge nonsuiting a case brought conformably to his own directions.

4. The judges will be careful to see that the purport and object of this circular order is fully and thoroughly understood, and strictly observed in practice by all the subordinate judicial functionaries.

* The passage within brackets did not form a part of the Calcutta Court's Circular.

TO THE CIVIL JUDGES IN THE LOWER AND WESTERN PROVINCES.

Lower Provinces, 15th September,
Western Provinces, 2d October, } 1843.

No. 34.

Vakalutnamahs need not be verified on oath, nor mooktyarnamahs for appointing vakeels.

THE following rules of practice which have been adopted by the Courts of Sudder Dewanny Adawlut, are prescribed for the guidance of the zillah courts and the courts subordinate to them.

"Vakalutnamahs, whether executed by principals or their attorneys and agents, and mooktyarnamahs under the authority of which vakalutnamahs are executed, shall not hereafter be required to be verified on oath. The responsibility, in regard to all such documents being properly and correctly executed, shall rest entirely with the vakeels.

"The above rule does not apply to cases in which only mookhtars or agents are employed. In all such cases the mooktyarnamah shall be verified on oath as at present."

TO THE SEVERAL CIVIL JUDGES IN THE LOWER AND WESTERN PROVINCES.

Lower and Western Provinces, 14th October, 1843.

No. 35.

Explanation of paragraph 3d of the C. O No. 127, 12th December 1834, regarding execution of decrees.

THE Court have reason to believe that much misconception exists in regard to the 3d paragraph of Circular Order, Sudder Dewanny Adawlut, No. 127, dated 12th December 1834, (recapitulated in the Appendix to Circular Order, No. 28, dated Lower Provinces 7th and Western Provinces 21st December 1838,) which requires that an application for execution of decree, in which the decree-holder may fail to carry on execution for a period of six weeks, shall be, after its expiry, struck off the file. It has been found that some functionaries have understood the circular order in question to prohibit the expunction, from the file, of cases, in which the decree-holder has failed in filing schedules of property, or in other necessary process within a *prescribed* and *notified* period, because the "period of six weeks" had not elapsed.

2. The Court therefore, hereby notify, that the object of the circular order above cited, was to prescribe a *maximum* period, beyond which, in the event of neglect in prosecution, or default of any description for that period on the part of a decree-holder, the case should not be allowed to remain on the file, and not to prohibit the immediate expunction of the case, on the omission of the decree-holder to attend to the requisitions of the court within a specific and stated space of time.

3. The distinction consists simply in this, that whereas in the event of a decree-holder entirely neglecting for six weeks to carry on execution of his decree, it is *obligatory*

on the judge to dismiss the case on default, and strike it off his file, it would in the other event of inattention to the requisition of the court for a period allowed for any purpose, be discretionary with the said court to pursue the same course, or to give the decree-holder another opportunity of presenting schedules of property, pointing out its location, or satisfying any other requisite process.

4. It is on the present occasion the desire of the Court, simply to explain the provisions of a circular order, which appears to have been misunderstood, and not to insist on the invariable adherence in practice of prescribing fixed periods for the completion of every process in the course of execution, and, in the event of default, of striking the case off the file without further question or enquiry.

TO THE CIVIL AND SESSION JUDGES IN THE LOWER AND WESTERN PROVINCES.

Lower Provinces, 17*th November*, } 1843.
Western Provinces, 30*th December*, }

No. 36.

Instructions for rendering official communications intelligible in themselves without reference to other documents.

Foreign Departt.

THE subjoined Circular of the Supreme Government, is circulated for general observance.

To ———————————————————

SIR,

The Governor General in Council directs that hereafter all servants of the Government, who may have occasion to refer in their letters to any numbered paragraphs of letters received, will, in the margin, state briefly the substance of the several paragraphs to which they so refer.

2. Every letter should as far as possible be made intelligible in itself, without reference to any other document for the elucidation of its meaning; and great inconvenience to the public service, besides that of delay, may occasionally arise from the letter containing the paragraphs referred to, not being within the reach of the person to whom the letter making such reference is addressed.

TO THE CIVIL AUTHORITIES IN THE LOWER AND WESTERN PROVINCES.

Lower Provinces, 8*th December*, 1843.
Western Provinces, 6*th January*, 1844.

No. 37.

Particulars to be inserted in the quar-

THE Court request that in the quarterly returns of unexecuted decrees of the Superior Courts prescribed by Circular Order No. 147, Lower Provinces 2nd April, Western

Provinces 7th May 1841, the amount to be realized in cases of money decrees be always specified in column 5, and a memorandum given in column 6 to the following effect.

terly returns of unexecuted decrees of the Superior Courts

" Balance of last quarter, ... Rs.
Amount realized in the present quarter, ... ,,

TO THE CIVIL JUDGES IN THE NORTH WESTERN PROVINCES

Western Provinces, 16th December, 1843.

No. 38.

Remarks and orders having reference to the prevention of delay in the preparation of regular suits and miscellaneous cases.

A RECENT examination of the records of suits adjudicated and depending in the judicial tribunals of various districts, as well as a careful consideration of the explanatory remarks appended to the quarterly statements conformably to Circular Order, Sudder Dewanny Adawlut, No. 144, dated 24th March 1841, lead the Court to believe, that the appearance of regular suits and miscellaneous cases on the file, after the lapse of one year from the date of institution, is attributable to delays which methodical regularity in preparing them for decision might obviate. With a view to prevent such delays, and to expedite the transaction of civil business as far as may be practicable, consistently with a just regard to the requirements of law, the following rules are promulgated for the guidance of the civil judges and their subordinates.

2. *Firstly.* No order for the filing of pleadings or presentation of exhibits, for the issue of legal process, whether of notice to the defendant or proclamation, or subpœna for the attendance of witnesses, or for production of papers from the record shall be passed without the simultaneous assignment of a specified period for its fulfilment, provided, of course, that the order, whatever its object and purport, be susceptible of execution within a given period, and provided that by existing enactments no fixed period is allowed for such execution.

Secondly. To the record of every pending suit or miscellaneous case shall be prefixed a fly-leaf, on which shall be inscribed the title of every paper filed in the order of its presentation, relatively to dates, with the dates of such presentation and of the order recorded, and a specification of the period which may have been allowed for the fulfilment of that order.

Thirdly. On the expiry of that period, without execution of the order to which it relates having taken place, it shall be the duty of the serishtadar or other ministerial officer, to bring the fact to the notice of the presiding authority, and to lay the record of the case before him for such instructions as he may be pleased to issue.

3. A strict adherence to these rules will have a beneficial effect, it is believed, in bringing to light default or neglect on the part of suitors by reference simply to one paper, and will thus afford easy and efficient means of counteracting their habitual and constitutional dilatoriness; while, at the same time, it will enable the judicial authorities to discover at once, and reprehend, irregularity and want of method on the part of their subordinates. The controlling power of the civil judges over the moonsiffs and other functionaries subject to their supervision, will be similarly enlarged, and its exercise facilitated; for should undue protraction of any suit or miscellaneous case be apprehended, he may, by requiring a copy of the fly-leaf, and examining it, ascertain how the delay has occurred, and to whom it is to be ascribed.

4. The judicial agency now employed is large, and is believed to be composed, generally, of men well educated, intelligent, and efficient, and the Court are of opinion that, except under very peculiar circumstances, no suit should remain undetermined twelve months from the date of its institution, and but few should appear on the file after the expiry of six months. To this point therefore, the Court will in future specially refer, as an indication of the degree of diligence and judicial ability brought into exercise in the conduct of the civil administration of each district.

5. As connected with this subject, the Court take the opportunity of adverting to complaints which have been preferred to them, by various uncovenanted judicial officers with whom they have communicated, of the indolence and inattention of the pleaders practising in their courts, and of their inability without the aid of superior authority to control them. The Court direct that the several judicial authorities be careful in future to note instances of misconduct on their occurrence; and, if so frequently repeated as to impede the transaction of business, to punish the offending parties by dismissal from office, or otherwise, as the occasion may seem to demand.

TO THE CIVIL JUDGES IN THE LOWER PROVINCES.

Lower Provinces, 29th December, 1843.

No. 39.

Heading of Orders in miscellaneous cases coming under a particular law.

THE Court request that, in passing orders in all miscellaneous cases coming under any particular Act or Regulation, the case be designated on the face of the roobakaree thus: "Sursuree Mocuddumeh Act ye Kanoon fulana, sun fulana ke."

2. The same rule will be observed by principal sudder ameens.

TO THE CIVIL JUDGES IN THE LOWER AND WESTERN PROVINCES.

Lower Provinces, } 18*th January*, 1844.
Western Provinces, }

No. 40.

An annual series of numbers for regular suits and miscellaneous cases to be introduced in all courts from 1st January, 1844, wherever a continuous series may have been in use.

THE Court having reason to believe that, in some courts, it is customary, in the enumeration of regular suits and miscellaneous cases, to maintain one consecutive series of numbers, a practice which is as inconvenient as it is useless, whereas an annual series is obviously more suitable and equally efficient for all purposes of record and reference, I am directed therefore to request that, if the objectionable practice adverted to should have hitherto obtained in your jurisdiction, you will discontinue it, and commence a new series of numbers with the commencement of each successive year, introducing this plan at once, and making it applicable to all suits and miscellaneous cases which may have been brought upon your files and those of the subordinate courts since the 1st instant, or which may be hereafter instituted.

2. You are requested to forward a correct translation of this circular to all the courts subject to your control.

TO THE SEVERAL CIVIL AND CRIMINAL AUTHORITIES IN THE LOWER PROVINCES.

Lower Provinces, 19*th January*, 1844.

No. 41.

Native ministerial officers not to be employed on lower salaries than those fixed by the Government.

AN instance having come to the knowledge of the Government of native ministerial officers being entertained on lower salaries than those fixed by the Government for the situations they held, and the difference carried to the public credit, the Court, in pursuance of instructions received by them, intimate to the different officers under their control that the honorable the Deputy Governor considers this practice to be extremely objectionable, and desires that it may not, under any circumstances, be repeated.

TO THE SEVERAL CIVIL JUDGES IN THE LOWER AND WESTERN PROVINCES.

Lower Provinces, 26*th January*, } 1844.
Western Provinces, 15*th February*, }

No. 42.

Explanation of the term "process of attachment" used in

THE Court, having observed much diversity of practice in the distribution of assets among several decree-holders, under the rule prescribed by Constructions of the Sudder Dewanny Adawlut, Nos. 935 and 1056, are disposed to attribute it principally to a mis-

Constructions 935 and 1056. Rules to be observed in the distribution of assets.

understanding of the term "process of attachment" therein occurring, and are pleased accordingly to promulgate, for general information and observance, the result of a correspondence which has lately passed between the two Courts of Sudder Dewanny Adawlut on the subject.

2. It has been ruled, that "the process of attachment" referred to in the Constructions cited, is the process issued by any *judicial* authority, for attachment of property, on the application of any decree-holder suing out execution of his decree, and that all decree-holders who may have procured the issue of such order, prior to the distribution of assets realized by a sale of property, made in execution of a former order, are entitled to a rateable share in those assets.

3. The distribution however of assets realized by sale of property, is directed by Circular Order, Sudder Dewanny Adawlut, No. 1, dated 6th June, 1828, to be held in abeyance until the period, allowed by Clause 3, Section 3, and Clause 1, Section 5, Regulation VII. of 1825, for preferring objections to the sale with a view to its annulment, shall have expired, and is further liable to other impediments, which it is frequently impossible to foresee or prevent. With the object, therefore, of obviating the embarrassment too often occasioned by the multitude of claimants, who are by the present system encouraged to come forward, the Court direct that thirty days after the sale has been holden, award of distribution, in regard to the claims of all decree-holders theretofore admitted, (without reference to the possibility or otherwise of giving immediate effect to such award,) shall invariably issue, and that, on the finality of the sale, the assets in deposit shall be distributed in accordance therewith. Subsequent to the declaration of the "award of distribution," no claims to participation in the proceeds of sale shall be received.

4. The civil judges will be careful to see that their subordinates fully understand the purport of these instructions, and strictly adhere to them in practice.

TO THE CIVIL AUTHORITIES IN THE NORTH WESTERN PROVINCES.

North Western Provinces, the 10th February, 1844.

No. 43.

Prohibiting treasurers attached to zillah or city courts from advancing money to uncovenanted judicial officers subordinate to the authority of such courts.

IN pursuance of instructions received from the Government of the North Western Provinces, the Court of Sudder Dewanny Adawlut are pleased to prohibit any treasurer, attached to a zillah or city court, advancing money, on any pretext whatever, to any uncovenanted judicial functionary subordinate to the authority of such court, and to declare that contravention of this prohibition will be held to render both lender and borrower subject to forfeiture of office.

TO THE CIVIL JUDGES IN THE LOWER PROVINCES AND THE AUTHORITIES IN THE EXTRA REGULATION PROVINCES.

Lower Provinces, 1st March, 1844.

No. 44.

Attention called to the first rule of C. O. No. 9, 27th April, 1843.

SEVERAL references having been made to this office by the local authorities, regarding leave of absence to principal sudder ameens and sudder ameens, for the periods of the Dussera and Mohurrum vacations, in contravention of the 1st rule of the Circular Order, No. 9, of the 27th April last, I am directed by the Court to call your attention to the provisions of the order cited, and to request that all such reports be, in future, made direct to the Government.

TO THE CIVIL AND CRIMINAL AUTHORITIES IN THE LOWER PROVINCES.

Lower Provinces, 1st March,
Western Provinces, 12th April, } 1844.

No. 45.

Rule regarding the mode of calculating the period within which an appeal should be lodged or any official act done.

TO secure uniformity of practice regarding the mode of calculating the period within which an appeal should be lodged or any official act done, the Court desire it to be understood, that when the period consists of days or weeks, the full number of days or weeks mentioned in the order should be allowed, exclusive of the day on which the order is passed; and that when a month or a year is mentioned, the month or the year should be reckoned according to the English calendar, that is to say, the month should not be invariably reckoned at 30 days, and the year should comprise twelve English calendar months.

TO THE CIVIL JUDGES IN THE LOWER PROVINCES.

Lower Provinces, 15th March, 1844.

No. 46.

Copies of bewustahs to be forwarded to the Court through the judge of the division or zillah in which the pundit is stationed.

THE Court are pleased to direct that the copies of bewustahs delivered by the pundits, be forwarded to this office through the judge of the district in which the division or zillah pundit resides, and not separately through the judges of the districts from which requisitions for opinions were made.

TO THE SEVERAL CIVIL AND CRIMINAL AUTHORITIES IN THE LOWER PROVINCES.

Lower Provinces, 19th April, 1844.

No. 47.

Applicants for copies of the Court's orders, (sentences in criminal trials excepted,) to be referred to the Sudder Court.

THE Court request that, whenever applications are made to you for copies of any letters from, or resolutions passed by them, you will refer the applicants to the Court, instead of granting the copies asked for.

2. This rule is not to be considered to apply to the sentences of the Nizamut Adawlut in criminal trials.

TO THE CIVIL JUDGES IN THE LOWER PROVINCES.

Lower and Western Provinces, 22d April, 1844.

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No. 48.

Applications from moonsiffs for leave of absence, to be submitted with a note of the last time of being absent.

THE Court direct that the civil judges, in submitting applications from the moonsiffs for leave of absence, do invariably state the interval that may have elapsed since the applicant was last absent from his post, with a view to enable the Court to judge of his claim to the solicited indulgence.

TO THE CIVIL JUDGES IN THE NORTH WESTERN PROVINCES.

North Western Provinces, 23d April, 1844.

No. 49.

Prescribes rules for the transmission of the records of monthly decisions by the subordinate judicial officers to the sudder station.

THE Court, having had under consideration returns to their Circular Order, No. 492, dated 10th March, 1843, and published in the Agra Government Gazette of 28th idem, calling for information regarding the practice observed by the several subordinate courts, in transmitting the records of monthly decisions to the sudder station, are pleased, with the sanction of Government, to issue the following instructions for general observance.

2. By Clause 8, Section 10, Regulation XX. of 1817, police daroghas are required to forward by the thanna dawk or by their burkundauzes, "as occasions may offer," papers sent to them by the subordinate civil judges for that purpose. On the other hand, the transmission of the records of monthly decisions is directed to be periodically made, and cannot, if the rules prescribed by Circular Order, Sudder Dewanny Adawlut, No. 49, dated 20th September, 1839, are to be enforced, be allowed to depend on the

occasional opportunity which police daroghas may think fit, either to improve, or, on the other hand, to leave unheeded. Independently of this, the Court observe, the increased bulk of the records of the subordinate tribunals, arising from the enlargement of their powers, and the consequent accession of judicial business before them, opposes a serious obstacle to the employment of the thanna dawk, as a means of conveying them to the sudder station.

3. The Court, however, adverting to the occurrence which gave occasion for the Circular Order of this Court, dated 10th March, 1843, are not disposed to dispense with the attendance of a police burkundauze, which is authorised by law and affords some security for the safe arrival of papers in transit; and they are pleased, accordingly, with the permission of Government, to direct, that the subordinate judicial officers forward the records of monthly decisions by a specified date, to the nearest thanna, for transmission to the sudder station, taking a receipt from the darogha, or in his absence, from the head officer present at the thannah. It shall be the duty of the police darogha to despatch the papers in question, without delay, to the sudder station, under charge of a burkundauze, indenting on the magistrate for the expence incurred in their conveyance, and submitting to the judge a duplicate of the account for his information. The items of expence thus incurred will be charged in the monthly contingent bills of the magistrate's office.

4. The judges are requested to determine the period, within which each moonsiff shall be required to have his records of monthly decisions delivered to the police darogha, with due advertence to the necessity of enforcing the provisions of Circular Order, Sudder Dewanny Adawlut, No. 49, dated 20th September, 1839, and with reference to the distance of each receiving thanna from the sudder station.

Circular to the Magistrates in the North Western Provinces, dated the 23d April, 1844.

Calls attention to Circular Order addressed under this date to the civil judges, prescribing rules for the transmission of the records of monthly decisions by the subordinate judicial officers to the sudder station.

The Court call the attention of magistrates in the North Western Provinces to a Circular Order addressed under this date to the civil judges, regarding the practice to be in future pursued by moonsiffs and others in transmitting the records of monthly decisions to the sudder station, and request that the police daroghas, subject to their control, may be furnished with the requisite instructions for giving effect to the directions therein contained.

TO THE CIVIL JUDGES IN THE LOWER AND WESTERN PROVINCES.

Lower and Western Provinces, 29th April, 1844.

No. 50.

Correction of an error in the Persian version of Section 73, Regulation XXIII. 1814.

THE following error detected in the Persian translation of Section 73, Regulation XXIII. of 1814, is notified by order of the Sudder Dewanny Adawlut, for the information of the judicial authorities.

2. By the Section above cited, certain provisions of the same Regulation are "declared to be equally applicable to original suits referred to sudder ameens as to those "tried by moonsiffs;" among these, Section 45, though not included in the English enumeration, has been erroneously entered in the Persian translation of the 73d Section.

3. Clause 5, Section 15, Regulation XXVI. of 1814, which prescribes specific rules for the execution of decrees passed by sudder ameens, attests the correctness of the English edition, with which the Persian version should be made to correspond, by the erasure of the erroneous entry in the copies furnished for the use of the zillah and city courts.

TO THE SEVERAL CIVIL JUDGES IN THE NORTH WESTERN PROVINCES.

North Western Provinces, 2d May, 1844.

No. 51.

Directs that fines levied under Act XXX. of 1841, and paid on the spot, shall be reserved in deposit in the judicial treasury, until six weeks from date of order shall have elapsed.

IT has been brought to the notice of the Court, that difficulty is occasionally experienced in the matter of fines levied under the provisions of Act XXX. of 1841, which fines, having been paid on the spot, have been as immediately sent to the collector and credited to Government: the difficulty has been occasioned by the liability to reversal, on appeal, of orders passed by the moonsiffs under the Act in question, and the impossibility, in the event of such reversal, of refunding the amount of the fine without the submission of a formal application, and the obtainment of the authority of Government, for re-payment.

2. In order to remove this inconvenience, and to remedy the hardships resulting from delay, the Court are pleased to direct, that all fines adjudged by the civil courts agreeably to the provisions of Act XXX. of 1841, and immediately realized on demand, shall be reserved in deposit in the judicial treasury, until a period of six weeks from the date of the order imposing the penalty shall have elapsed.

TO THE CIVIL JUDGES IN THE NORTH WESTERN PROVINCES.

North Western Provinces, 2d May, 1844.

No. 52.

Prescribes, with the concurrence of the Sudder Board of Re-

IN some of the districts subject to the jurisdiction of this Court, an erroneous practice has been found to prevail in the preparation of the quarterly reports of requisitions to

collectors, relating to execution of decrees, and correspondence has recently passed with the Sudder Board of Revenue, North Western Provinces, having for its object the correction of that practice, with the concurrence of that authority, the subjoined remarks and instructions are promulgated for general information and observance.

venue, North Western Provinces, certain rules for the preparation of the quarterly reports of requisitions to collectors, relating to execution of decrees, and directs their observance from the 30th June, 1844.

2. On the first institution of this periodical report, it was obviously the intention* of Government, and of the Sudder Dewanny Adawlut, acting agreeably to instructions received from the Government, that the reasons for delay in the execution of decrees referred to them for that purpose, should be recorded by the collectors themselves in the fourth column of the prescribed statement, but in the course of time deviations from this practice have been permitted (or possibly the rule may have been misunderstood,) and in many districts it has been usual for the judicial authorities to excerpt from the vernacular record of each case, a detail of the proceedings held by the collector to carry out the injunctions of the civil courts, and to give insertion to that detail or recital in the fourth column of the statement. The consequence has been the detection of numerous inaccuracies in this section of the return, and the unmerited ascription, in many instances, of remissness to the revenue authorities, who, on further reference, have been able to render satisfactory explanation of the delay or neglect imputed to them. It being essential that all misunderstanding on this subject should be removed, and the errors, found to have existence, corrected, the Court are pleased to issue the following instructions for general adoption.

* Vide para. 6, of a letter from the Secretary to Government in the Judicial Department, dated 21st July 1834, appended to Circular Order, Sudder Dewanny Adawlut, No. 127, dated 12th December 1834.

3. The judges will be pleased to observe, that the first three columns of the statement* exhibit the names of the parties, the date of application to the revenue authorities for aid in execution, and the purport of the application, while the fourth is appropriated to a specification of the proceedings held by the collector to carry the decree into execution, and the adduction of reasons for failure to complete it within the quarter embraced in the statement. The duty of filling up this column properly devolves upon the collector, and the Court are pleased, with the consent of the Sudder Board of Revenue, North Western Provinces, to direct that the judges in the North Western Provinces shall send the statement, for the purpose indicated, to the collector of the district or districts composing their jurisdiction, within fifteen days from the expiry of each quarter, after inserting therein the particulars which the first three columns are designed to represent. The collectors will receive instructions from the Sudder Board of Revenue to fill up the fourth column in the manner above mentioned, and, after countersigning the statement, in attestation of the correctness of their recital, to return it to the judge, for an expression of his opinion of the reasons assigned for non-execution, within

* Vide Statement B. appended to Circular Order, Sudder Dewanny Adawlut, No. 127, dated 12th December 1834.

a similar period of fifteen days, calculated from the date of its receipt. It will behove the judges, on the return of the statement, to proceed as directed by Circular Order, Sudder Dewanny Adawlut, No. 14, dated 1st May, 1843.

4. It may not be irrelevant to observe, in conclusion, that the utility of this report may be completely negatived by a want of punctuality in its submission, and that ordinarily it should be in the possession of the Court by the dates specified in the margin.*

* Report for first quarter, 10th May.
Ditto for second ditto, 10th August.
Ditto for third ditto, 10th November.
Ditto for fourth ditto, 10th February.

5. The first report under these orders will be made for the quarter ending 30th June, 1844.

TO THE SEVERAL CIVIL JUDGES IN THE NORTH WESTERN PROVINCES.

North Western Provinces, 2d May, 1844.

No. 53.

Promulgates extract, paragraphs 13 and 14, of report from judge of Furruckabad, on civil justice, for 1843, and requests correction of irregularity described, if existent, in other districts. Also extract, paragraph 15, from the same report, and recommends the practice described to the attention of judges generally.

THE Court are pleased to promulgate extract (paragraphs 13 and 14) of a report submitted by the judge of Furruckabad on the administration of civil justice during 1843, and request, that if, on enquiry, irregularities similar to those described, be found to prevail in other districts, the judges will take immediate measures for their correction.

2. The Court take this opportunity of giving publicity to the 15th paragraph of the same report, and recommending the practice there described to the attention of the judges generally: it appears well calculated to facilitate supervision, and to operate as a salutary check on the tendency to irregularity too apparent on the part of the subordinate judicial functionaries.

Extract (paragraphs 13, 14, *and* 15*) from the Annual Report on the Administration of Civil Justice for the year* 1843, *for Zillah Furruckabad.*

13. Some irregularity still prevails in the lower courts here, as to the mode of summoning witnesses and paying tulabana. Most native judges (the principal sudder ameen of this district included) seem to think that a witness who has received a formal notice to attend at court, must accompany the peon, who has served the notice, on his return, and remain under his surveillance until his evidence is taken, the said peon receiving tulabana all the while. I have, however, reminded those under my charge, that such a proceeding is wrong, and certainly unwarranted by any law, rule, or regulation; that the duty of the peon must be entirely confined to the serving of the notice on the party summoned, leaving

him to find his own way to court, and that the peon can receive only so much tulabana as is fixed for the particular village in which he served the notice.

14. I have observed, and corrected several irregularities in the way in which notices are served on parties to suits, such, for instance, as the careless way in which, when it has been found necessary to ishtehar several defendants who were concerned in the same suit, a single paper containing the prescribed notice has been considered sufficient for the whole, and this, although the defendants lived in separate houses, sometimes in different villages. The returns to such ishtehar have been made in a similarly loose way, the returning officer merely stating, that all the defendants (without specifying any) have been made aware of it. Sufficient attention has not been paid to the respectability of witnesses who have been called on to testify to the serving of notices. By Section 19, Regulation XXIII. 1814, these are required to be the heads of the village: the general practice is to take them from the very dregs. All these (and many others which I have neither time nor space to mention) are points, which, however trifling they may appear in themselves, are really of very considerable importance as regards the adjudication of property on exparte evidence. It appears to me, indeed, that too much stress cannot be laid upon the details of practice, which shall secure to the defendant the certainty of a knowledge that a suit has been instituted against him, and which shall surely give him the opportunity of coming forward to defend it.

15. I may here state that I have found it a useful practice to have by me in court a note book, into which, as the various cases come before me, are entered whatever irregularities I observe in the proceedings of the lower courts, either with regard to the payment, or receipt of tulabana, the summoning of witnesses, the issuing of notices, or other matters of practice that have been irregularly conducted. Having first intimated the existence of such a record to my several subordinates with the exception of the principal sudder ameen, (who is under the joint supervision of the Sudder and myself,) I have found their anxiety to escape unfavorable notice in it, productive of the best effect.

TO THE SEVERAL ZILLAH AND CITY JUDGES IN THE NORTH WESTERN PROVINCES.

North Western Provinces, 4th May, 1844.

No. 54.

Calls for a comparative statement of cost of each moonsiffee establishment,

IT appears desirable to the Court to receive information regarding the cost of the subordinate judicial establishments in the North Western Provinces, and the extent to which it is counterbalanced by the revenue realized by the sale of stampt paper.

and the amount realized by sale of stamps, during past year.

2. The judges are therefore requested to submit a comparative statement, in the form annexed, for the past year, exhibiting the particulars above denoted relatively to each moonsiff's court, and invariably to include the same in their future annual reports on the administration of civil justice.

Name of Moonsiffee.	Cost of Establishment including Moonsiff's Salary.	Amount realized by Sale of Stamps.

TO THE CIVIL JUDGES IN THE LOWER AND WESTERN PROVINCES.

Lower and Western Provinces, 14th May, 1844.

No. 55.

The requirements of C. O. No. 16, Vol. III. regarding the punching of stampt papers, to be strictly adhered to. A precis of rules of that circular.

BY an inspection of the records of appealed causes, recently received in this Court, it has been ascertained that in some districts the requirements of Circular Order, Sudder Dewanny Adawlut, No. 16, dated Lower Provinces the 5th, and Western Provinces 25th May, 1843, are not fulfilled in the manner thereby prescribed. Among the records adverted to, stampt papers have been found from which no portion of the impression has been excised, and thus, under the practice observed in this Court, of suffering no paper to pass out of the record office, without being punched, provided it be such as ought to be punched, extraneous labor is imposed upon the ministerial officers of this Court.

2. It appears, therefore, necessary to the Court, to call the attention of the civil judges to the Circular Order in question, to impress upon them the importance of those objects, which it was designed to effect, the protection, namely, of the state from serious loss and of the community at large from the frauds, which are facilitated by the abstraction of stampt papers from old records, and to desire a strict adherence to its directions in future, both on their own part, and on that of their subordinates.

3. Any deviations from the rules prescribed by the Circular above cited, which may be brought to light after the publication of this order, will be seriously noticed by the Court.

4.* A precis of the rules on the subject is annexed, for convenient reference.

All stamps filed and not liable to be returned, are to be punched.

In old cases, the duty is to be performed by the serishtadar of the zillah court, but under the supervision of the judge.

In pending cases the punching is to be effected by the same officer, after decision and before consigning them to the record office.

Stamps which may be now filed will be punched by the serishtadar or other officer receiving it, and judges of all grades, when signing the order for filing, are to see that the rule is observed.

Blank stamps which are filed to make up for deficient value of any petition, &c.

In old cases, such stamps are to be destroyed by the zillah judges, and a certificate of the fact endorsed on the principal stamp.

In pending cases, the same course is to be followed after decision, and before consigning them to the record office.

TO THE ZILLAH AND CITY JUDGES IN THE NORTH WESTERN PROVINCES.

North Western Provinces, 14th May, 1844.

No. 56.

Directs attention of zillah and city judges, North Western Provinces, to Government resolution, dated 30th October, 1837, and requests they will in concert with the revenue authorities take measures to adjust the jurisdiction of the moonsiffs subordinate to them.

IN fulfilment of instructions lately received from Government, the Court are pleased to direct the attention of the several zillah and city judges in the North Western Provinces to the resolution of Government, dated 30th October, 1837, and to request that they will take immediate measures, in concert with the revenue authorities, to adjust the jurisdictions of the moonsiffs, subordinate to them, in accordance with the principles set forth in paragraphs 30 to 33 of the resolution alluded to.

2. The objects, contemplated by this adjustment, seem to be,

1stly. The assimilation of subordinate civil, with subordinate fiscal, jurisdictions.

2dly. The location of the moonsiff's court at the site of a tehseeldaree, where also a police station usually exists, whenever such may be practicable.

3dly. The exclusion, from the civil jurisdiction of the zillah courts, of tracts or villages not included in the fiscal or the criminal jurisdiction of the district or districts composing the former.

* This paragraph does not form a part of the Western Court's Circular.

3. The principles by which the adjustment of the moonsiffs' jurisdictions is to be regulated, will be found recorded in the 31st, 32d and 33d paragraphs of the resolution of Government, dated 30th October, 1837.

4. It is believed, that in the office of each collector are deposited correct maps of every pergunnah comprised within his district, and that all statistical information, essential to the re-division and re-arrangement, of the jurisdictions of the civil courts in the manner above prescribed, may be acquired by reference to the records of the judicial and revenue officers: the former will shew the number of suits which may be expected to arise in each pergunnah, while from the latter may be ascertained the extent and character of the population in each pergunnah, their social condition and pursuits; and, with this information before them, the judges, it is hoped, will find little difficulty in giving effect to the views of Government, as expressed in the resolution, and in the 2d paragraph of this order.

5. The Sudder Board of Revenue have intimated their readiness to afford every assistance that may be required from them, and they will be accordingly requested to direct, that the judges shall have free access to the maps and records above adverted to, and that the revenue authorities co-operate cordially with them in effecting the objects proposed by Government.

6. The judges will endeavour so to determine the limits of each moonsiff's jurisdiction, as to make it correspond with that of one or more tehseeldarees, or to comprise one or more integral pergunnahs, relinquishing, in the new arrangement, all reference, as heretofore observed, to the limits of thannah, or local police jurisdictions.

7. The reports which the several civil judges are hereby required to submit after consultation with the commissioners of their respective divisions, within six months from the present date, should be accompanied by a sketch map, respecting the pergunnahs or tehseeldarees comprised within each newly adjusted jurisdiction, and by a statement shewing the number of suits instituted in such jurisdiction during the last three years.

8. As the determination of the moonsiff's jurisdictions is declared by the resolution referred to above to be dependant on the prior demarcation of fiscal divisions, a list of those districts in which the revenue arrangements still remain incomplete, is inserted in the margin,* and the judges of the districts named will be pleased to await a communication from the revenue authorities to the effect, that the revision of the zillah boundaries and tehseeldaree divisions has been completed and received the sanction of Government, before carrying out the foregoing instructions. To all others, the order contained in the 7th paragraph is to be considered applicable.

* Bhutteanah.
Panneput.
Rohtuc.
Deyrah Dhoon.
Boolundshuhur.
Kumaon Division.
Muttra.
Cawnpoor.
Humeerpoor.
Jaunpoor.
Mirsapoor.
Benares.

TO THE CIVIL AUTHORITIES IN THE LOWER PROVINCES.

Lower Provinces, 24th May, 1844.

No. 57.

Nomination rolls of pergunnah cazees to be carefully compared with the vernacular papers, as regards designation of jurisdiction and name of candidate.

THE Court request that, before submitting applications for the appointment of town and pergunnah cazees, you will carefully compare the designation of the jurisdiction in which the vacancy has occurred, and the name of the nominee, as entered in the vernacular papers, with those inserted in the English statements.

TO THE CIVIL JUDGES IN THE LOWER AND WESTERN PROVINCES.

Lower and Western Provinces, 25th May, 1844.

No. 58.

An alteration prescribed in civil statement No. 1, with reference to Act IX. 1844.

ACT IX. of 1844, having declared that all suits within the competency of a principal sudder ameen or sudder ameen to decide, shall ordinarily be instituted in the courts of those officers, it becomes necessary to throw open column 3 of the Civil Statement, No. 1, parts 1 and 2, for the exhibition of such cases. The civil judges are accordingly directed to erase the asterisks, which appear in column 3 of the abovementioned forms, opposite to the heading of original suits in the courts of the principal sudder ameen and sudder ameen.

TO THE CIVIL AND CRIMINAL AUTHORITIES IN THE LOWER AND WESTERN PROVINCES.

Lower and Western Provinces, 11th June, 1844.

No. 59.

Attention called to C. O. No. 231, Vol. III. regarding indents for lithographic forms.

THE Court having ascertained, that the injunction contained in Circular Order, No. 231, dated Lower Provinces, 21st October, Western Provinces, 28th December, 1842, has been frequently disregarded, and having, in consequence, been troubled with numerous references from the superintendent of the Government lithographic press, are pleased to recall the attention of the civil and criminal authorities to the same, and to direct that when indenting for statements, &c. they will invariably forward with their indents "a specimen of the smallest size of paper, on which the forms may be executed without material inconvenience."

TO THE CIVIL JUDGES IN THE LOWER PROVINCES.

Lower and Western Provinces, 18*th June*, 1844.

No. 60.

Prohibition of the practice of moonsiffs' issuing separate process for the realization of vakeels' fees, except when, on dismissal of a suit, defendant may apply for his costs.

IT being believed that, under a misapprehension of Section 11, Regulation VII. of 1832, moonsiffs are commonly in the habit of issuing separate process for the realization of vakeels' fees, not exceeding in amount the proportion of 5 per cent. on the value of the claim adjudicated, the Court of Sudder Dewanny Adawlut intimate that such a procedure is unauthorized by existing law and is to be considered by the courts strictly prohibited for the future.

2. The Court observe that the terms of the enactment above cited, taken in connection with the provisions of clause 4, Section 15, Regulation XXIII. of 1814, merely authorize the inclusion of fees awarded, in the final judgment, and their realization simultaneously with its execution; or in other words, that the realization of vakeels' fees, as adjudged by moonsiffs, must form part and parcel of the process of execution, except in cases wherein the claim may be dismissed, and the defendant may move the court for the recovery of his costs.

3. The civil judges are directed to ascertain that the purport of this order is rightly understood by the courts to which it has particular application, and to enforce conformity to the practice, which it inculcates, in future.

TO THE CIVIL JUDGES IN THE LOWER AND WESTERN PROVINCES.

Lower and Western Provinces, 19*th June*, 1844.

No. 61.

Rules regarding demand of security for costs in appeals from decisions of sudder ameens.

THE requisition of security for costs in appeals from decisions of the sudder ameens' courts, is understood to exert a prejudicial influence on the interests of suitors, in as much as failure to produce such security, and to procure the required certification of its validity and sufficiency within the period of six weeks, render an appeal liable to dismissal on default under the provisions of Act XXIX. of 1841, provided that the appellant shall not, on special application, have *previously* satisfied the court of the propriety

of allowing further time; and though in the present state of the law* the said requisition cannot be dispensed with, the Court conceive that facilities for the fulfilment of the precautional condition may be devised, which will effectually obviate the detrimental effects, resulting from the practice, now generally prevalent, of requiring the pignoration of landed property.

2. The Court are accordingly pleased to direct that, on the admission of appeals from the decisions of the sudder ameens' courts, the judges will invariably, on a rough calculation of the probable costs incurrible in appeal, specify the *amount* of security demanded, and give to the appellant the option of depositing in the judicial treasury, cash to that amount, which will be liable to refund or available for liquidation of costs according to the manner in which the appeal may terminate: the judges will also exercise their discretion in accepting the security of real property of any description, provided that its validity and sufficiency relatively to the specified amount of security required be duly certified.

3. The preceding rules are to be considered equally applicable to appeals from decisions passed by principal sudder ameens in suits, affecting property, varying in value from rupees 300 to 5,000.

TO THE CIVIL JUDGES AND REGISTERS OF DEEDS IN THE LOWER AND WESTERN PROVINCES.

Western Provinces, 26th July, 1844.
Lower Provinces, 31st January, 1845.

No. 62.

Observations on the laws for the registration of deeds, published, with the sanction of the Government, for the information of the civil judges and the guidance of the registers of deeds.

THE enactment of Act XIX. of 1843 having greatly increased the importance of providing for the punctual and correct registration of deeds, the Government have been pleased to direct that offices for that purpose shall be established at every civil station, in accordance with Section 2, Act XXX. of 1838, and that detailed instructions, for the guidance of those who may be entrusted with the duty, shall be drawn out and promulgated in the Government Gazette.

2. Accordingly the subjoined rules, embodying those provisions of law, and those authoritative orders which seem to require denotation, are published, with the sanction of Government, for the information of civil judges and for the guidance of registers of deeds.

3. It may be advisable to point out the several regulations, prescribing rules for the registry of deeds, and, in the succeeding paragraphs to indicate those provisions,

* See Act III. of 1845.

which call for the particular attention of those to whom the duty may be confided. These are Regulation XXXVI. of 1793, for the Lower Provinces, corresponding with Regulation XVII. of 1803, for the ceded provinces (extended to the conquered provinces by clause 1, Section 17, Regulation VIII. of 1805) Regulation XX. of 1812, Regulation IV. of 1824, Act XXX. of 1838, and Act XIX. of 1843*.

4. By Section 3, Regulation XXXVI. of 1793, (Regulation XVII. of 1803, for the ceded provinces) and Sections 3 and 5, Regulation XX. of 1812, registers are required to register memorials of the following deeds:

1stly. Deeds of sale, or gift, of lands, houses and other real property.

2dly. Deeds of mortgage on land, houses, and other real property, as well as certificates of the discharge of such incumbrances.

3dly. Leases and limited assignments of land, houses, and other real property, including, generally, all conveyances, used for the temporary transfer of real property.

4thly. Wusseut-namahs, or wills.

5thly. Written authorities from husbands to their wives to adopt sons, after their (the husbands') demise.

6thly. Engagements contracted by indigo planters, whether Europeans or natives, with ryots and others, for the delivery of indigo plant.

7thly. Bonds, promissory notes, and generally all obligations for the payment of money: held by Construction No. 1270, to include security bonds for the eventual payment of costs of suits. It is enacted by clause 1, Section 8, Regulation XXXVI. of 1793, (Regulation XVII. of 1803 for the ceded provinces) and Section 7, Regulation XX. of 1812, that each species of deed shall be registered in a separate book, which shall be uniformly made of English paper, and *carefully* bound, and by the latter Regulation and Section registers are expressly prohibited from admitting to registry any deeds, except those above specified. Each leaf of every register book is required by Section 8, Regulation XX. of 1812, to be paged, and every deed entered in such books must be numbered in an annual series; and the date of the month and the year, as well as the time of day when registry may have been effected must be noted in the book, in which the said deed may be registered.

*. Add to these Act IV. of 1845.

5. The Court, before detailing the forms to be observed in the registry of deeds, desire to remind registers that they are required by Section 10 of the last cited Regulation, not only to preserve carefully all powers of attorney produced by parties attending on the part of others to procure deeds to be registered, but to cause copies of all such documents to be regularly transcribed in a *srpurate* book, which must be kept for that purpose. This injunction is reiterated in a Construction of Sudder Dewanny Adawlut, No. 732, dated 9th November, 1832.

6. It is also deemed expedient to advert to the provisions of Section 7, Regulation XXXVI. of 1793, (Regulation XVII. of 1803, for the ceded provinces,) which enacts, that the registry of all deeds shall be made in the register's office of the zillah, in which the property affected by them may be situated, and to Construction Sudder Dewanny Adawlut, No. 1015, dated 17th June 1836, which rules, that the register of a deed, in any other district than that in which the land is situated, must be regarded as unofficial, and as depriving the said deed of the advantages conferred by existing Regulations and Acts on registered deeds*.

7. The Court proceed to point out the rules prescribed for the registry of deeds, merely observing that the forms established by Regulation XXXVI. of 1793, (Regulation XVII. of 1803, for the ceded provinces,) having been found to involve delay and inconvenience, have undergone modification by the enactment of Regulation XX. of 1812.

1stly. It is incumbent on all registers of deeds to attend daily at office, during certain specified hours, for the despatch of all business appertaining thereto, and, after having determined the hours of such attendance, to affix a written notice thereof in some conspicuous part of their offices for general information.

2dly. The registers of deeds will restrict themselves to the ascertainment of the fact, that the deed prescribed for registry has been actually and duly executed by the parties thereto. With this view, before admitting any deed to registry, the register will require the attendance at his office of the person desirous of procuring registration of any deed, or his authorized representative, together with the original deed and an exact copy thereof, "attested by one at least of the parties to the instrument, and by one of the witnesses to the execution of it." The register, on having ascertained by the evidence on oath of one or more witnesses to the execution, that the deed has been duly executed, should satisfy himself that the copy corresponds precisely with the original deed, and should reject any transcripts, in which interpolations, interlineations, or erasures, may be apparent; refusing registry, until a fair legible copy be presented. This will entail no expense on parties, as it has been declared, by Construction No. 119, dated 28th January,

Clause 1, Section 2, Regulation XX. of 1812.

* See Section 1, Act IV. of 1845.

1813, that copies of deeds, brought for registry, being intended only for record, should be admitted to be drawn out on plain paper.

3dly. It will not escape the observation of registers of deeds that agreeably to Clause 1, Section 5, Regulation XX. of 1812, bonds, promissory notes, and other obligations for the payment of money, can be registered only on the application of the party, by whom they may have been executed.

Clauses 1 and 2, Section II. Regulation XX. of 1812.

4thly. The register, having noted on the back of the copy, presented and compared as above, the date and the hour of the day on which it was brought for the purpose of being registered, and having caused it to be filed according to the order of time, in which it may have been received, must have it entered in the register book in the same order, and, on completion of the entry in the manner stated, is required to return the original deed to the person, from whom it may have been received, with a certificate under his signature endorsed on the deed, specifying the date and the hour on which it was registered, and the page on which it is entered in the register book.

5thly. By Clauses 4 and 5, of the same Section and Regulation, registers are bound, on application being made to them, to allow parties to inspect the copies of deeds, attested, endorsed and filed, as above, as well as the register books, and to grant copies of all deeds registered by them to those whom they may concern. Directions regarding the value of stampt paper on which such copies should be engrossed, will be found in a Construction of the Sudder Dewanny Adawlut, No. 428, dated 4th August, 1826, and Regulation X. of 1829, Schedule A. Articles 20 to 23, and Schedule B. Article 3.

8. The remuneration to which registers of deeds are declared by Section 4, Regulation XX. of 1812, to be entitled, is as follows:

1stly. A fee of 2 rupees for every engagement or deed registered by them, to be paid by the party causing the same to be registered.

2dly. A fee of 1 rupee for every copy furnished of a deed registered by him, to be paid by the applicant for the said copy.

3dly. A fee of half a rupee for every search made on an inspection of the register book, to be paid by the party inspecting the same, and until these fees be paid, they are authorized to refuse the official acts required from them.

9. A preferential right having been declared by Section 2, Act XIX. of 1843, to attach to deeds of sale or gift of lands, houses or other real property, as well as deeds of mortgage on lands and the same descriptions of property, a memorial of which shall have been duly registered according to law, it is obviously desirable, that facilities for such

registration, on which the security of property will be greatly dependent, should be multiplied, that the duties of the office should be conducted with the utmost regularity, and with the strictest adherence to the forms prescribed by the regulations above cited, and that no interruption to the fulfilment of those duties should be suffered, by the temporary absence or incapacity of the register. By the establishment of a separate office for the register of deeds at every civil station, every facility that the law permits, will be afforded, while a due observance of the preceding instructions, which have been advisedly drawn out in greater detail than may at first sight appear requisite, will secure, it is hoped, the punctual and correct registration of every deed, presented for that purpose. Further, the prevention of the interruptions above alluded to, is provided for by Regulation IV. of 1824, which authorizes the registers of deeds at sudder stations in cases of temporary incapacity from any cause, or absence from the station, to appoint a deputy to act for them; having first obtained the sanction of the judge of the civil court, to which they may be attached; and by Section 6, Act XXX. of 1838, which empowers the zillah judges in the like cases of death, absence, or temporary incapacity, to appoint any person, whom he may think proper to take temporary charge of the offices constituted by the said Act. It is only needful, as regards these provisions, to remark that at a sudder station no other officers than principal sudder ameens, and covenanted servants of Government, among whom surgeons are declared by Construction No. 611, to be included, are eligible: while at a station where no civil court is located, the same restriction does not exist. It is the duty of the judges to see that every vacancy is filled up under the provisions above cited, and to satisfy themselves that registers of deeds, before entering on the duties of the office, are fully conversant with the regulations by which their proceedings must be guided, and with the instructions contained in this circular order.

10. As regards registers of deeds at the stations of zillah and city courts, an obligation is imposed on the civil judges of supervising their conduct, of countersigning the endorsements on the copies of deeds required by the provisions of Regulation XX. of 1812, to be filed, and the transcripts thereof in the register books, and of reporting any errors or irregularities, or any deviations from the established regulations, which he may detect in the performance of the duties confided to the officers in question; and the Court expect, that these obligations will in future be punctually fulfilled. This control has been dispensed with as concerns registers of deeds appointed under Act XXX. of 1838, by Section 4 of that enactment; but the judges may still, by inspecting the register books sent to them for the purpose of being deposited with their records, ascertain whether the duties of the office have been conducted with due regularity and order. And they are hereby required to observe this precaution, reporting, for the information of the Court, any illegal or erroneous acts, thereby brought to light.

11. The Court, having reason to believe that the practice of preparing annual indexes to the register books, as directed by Section 9, Regulation XX. of 1812, has fallen into disuse, are pleased to direct its immediate revival, and, with the view of establishing uniformity of system, to annex two forms according to which the index will be made out. Each of these indexes will terminate with the year. To each a separate book, made of English paper, paged and carefully bound, must be assigned, and for the entries under each letter one or more leaves must be set apart. The entries should be made at the time of registration, with the utmost accuracy, and the order of the Persian alphabet may, perhaps, be more conveniently adopted than any other. It will be incumbent on the civil judges to enforce due attention to this provision of the law in the manner above desired, and to have the indexes, when delivered over to them at the end of each year, deposited and carefully preserved with the register books, to which they relate. Index No. 2, being applicable only to the books in which the deeds relating to land and other real property, described in clauses 1, 2 and 3, paragraph 4, of this order, will be registered, differs slightly in form from the nominal index No. 1. Such deeds will be entered in both indexes; while wills and other deeds not relating to real property, will appear under their proper heads in index No. 1 alone.

No. 1.
Alphabetical Index of Names of Persons executing Deeds for 1844.

	Deeds of Sale or Gift.		Deeds of Mortgage on Land, &c.		Leases and Covenances for temporary transfer of real Property.		Wills.		Authority to adopt.		Contracts for Indigo.		Obligations for payments of money.	
Names of Persons who executed the Deed.	Vol.	Page.	Vol.	Page.	Vol.	Page.	Vol.	Page.	Vol.	Page.	Vol.	Page.	Vol.	Page.
Name of Father.														
Mouzah in which Property is situated.														
Pergunnah.														
Specification of Property.														

No. 2.
phabetical Index of Property registered for 1844.

	Deeds of Sale or Gift.		Deeds of Mortgage on Land, &c.		Leases and Covenances for temporary transfer of real Property.	
Names of Persons who executed the Deed.	Vol.	Page.	Vol.	Page.	Vol.	Page.
Name of Father.						
Mouzah in which Property is situated.						
Pergunnah.						
Specification of Property.						

† Number and specification of Deeds registered.		Amount of fees received.	Certificate of examination and countersignature of register books.
	Deeds of Sale or Gift.		
	Deeds of Mortgage on Land, &c.		
	Leases and Conveyances for temporary transfer of real Property.		
	Wills.		
	Authority to adopt.		
	Contracts for Indigo.		
	Obligation for payment of money.		

12.* The civil judges will, at the close of each year, send to the Court a statement, as per margin,† showing the number of deeds which may have been registered during its course in the offices established for that purpose, and the amount of fees received by the register, and certify examination and countersignature by themselves of the several register books up to the close of the period, submitting, at the same time, any remarks that may occur to them on the working of the system. The first report embracing the period from the promulgation of Act XIX. 1843, to the close of 1844, will be submitted with or follow the annual civil statements.

TO THE CIVIL AUTHORITIES IN THE LOWER PROVINCES.

Lower and Western Provinces, 16th August, 1844.

No. 63.

Construction of Act XII. 1843.

IT has been ascertained that diversity of opinion prevails in regard to the requirements of Act XII. of 1843, and it has been deemed requisite to promulgate instructions on the subject for general observance, with a view to secure uniformity of practice.

2. The Courts of Sudder Dewanny Adawlut have ruled, that the terms of the Act in question render it obligatory on judges of all denominations to record their original decisions and the reasons thereof, in their own hand-writing, signing them, agreeably to the provisions of the Act, "at the time of pronouncing such decisions," and causing them to be correctly "translated into the vernacular language commonly used in the court, wherein the suit to which the decree or order relates, shall have been instituted;" this injunction, it will be understood, has reference to all the decisions and orders specified in Sections 1 and 3 of the Act respectively.

3. Where the vernacular language, and that used in the subordinate civil courts, are identical, the translation may of course be dispensed with; but the decision, and the reason thereof, drawn out originally in the hand-writing of the native judge, should be filed with the record of the suit to which it relates, and incorporated in the final decree.

* The substance of the 12th paragraph of the Circular of the Western Court of the 26th July, 1844, and of the Circular of the 24th October following, modifying that paragraph, are here embodied.

4. The civil judges are desired to ascertain, and report after a suitable interval, that these instructions have been practically introduced, issuing such precautional injunctions on the subject as they may deem fitting.

TO THE CIVIL JUDGES IN THE LOWER PROVINCES.

Lower Provinces, 23d August, 1844.

No. 64.

The causes which render further investigation requisite, to be entered in the last column of statement of suits remanded to the lower courts.

THE Court having had occasion to notice the absence of explanation in the last column of the statement of cases remanded to the lower courts, prescribed by the Circular Order, No. 142, dated the 19th March, 1841, desire me to request that you will, in future, show distinctly the causes which appeared to you to render a further investigation requisite.

TO THE CIVIL JUDGES IN THE LOWER AND NORTH WESTERN PROVINCES.

Lower and Western Provinces, 23d August, 1844.

No. 65.

Law officers of zillah courts declared eligible to moonsiffships without undergoing examination, and, in certain cases, to office of sudder ameen. C. O. No. 166, 5th February 1843, modified.

WITH the sanction of Government, the Courts of Sudder Dewanny Adawlut, for the Lower and North Western Provinces, are pleased to notify, that law officers of zillah courts will be, in future, considered eligible to moonsiffships, and, in cases of peculiar merit, capacity and long previous experience, to the office of sudder ameen, without undergoing the ordeal of an examination.

2. The Circular Order of the Sudder Dewanny Adawlut, No. 166, dated 5th February, 1836, is under the authority of Government, so far modified, as to leave the Court at liberty to exercise their discretion in appointing persons, holding the office of Mahomedan law officer, to be at the same time moonsiffs at the sudder stations of the zillah courts, whenever there may be reason to believe that the junction of the two offices will not retard the administration of civil justice, or be otherwise prejudicial to the public service. The Court will be guided by the same considerations in recommending to Government the appointment of Mahomedan law officers of the zillah courts, to the office of sudder ameen.

TO THE CIVIL AUTHORITIES IN THE NORTH WESTERN PROVINCES.

North Western Provinces, 26th August, 1844.

No. 66.

Communicating certain instructions regarding the quarterly reports of requisitions to the revenue authorities.

BY existing instructions the judges are required to insert in their quarterly reports of requisitions to the revenue authorities, relating the execution of decrees, all applications, however recent, the object of which may not have been accomplished before the date of the preparation of the statement, and in accordance with this rule, numerous requisitions

addressed to the collectors shortly prior to the termination of the quarter have been wont to be included therein and have tended to expand the reports to an inconvenient extent.

2. The object contemplated by Government in the original institution of this periodical statement, and by the Court in their subsequent instructions, was the provision of a check against neglect and mismanagement, on the part both of the judicial and revenue authorities in the important department referred to, and the form of statement now in use was designed to represent "all particulars really necessary for the information of the controlling authority;" matters not required for that purpose being directed to be carefully excluded therefrom.

3. It has been suggested to the Court, that both time and labor would be economized by dispensing with the inclusion in this quarterly report of requisitions despatched from the civil courts within two or even three months antecedent to the termination of the quarter, and it has been justly argued that the acts which the revenue authorities are required to perform relating mostly to sales of land, and partition of estates, cannot ordinarily be accomplished within a shorter period than that specified, and that the object in view will be equally attained if the statement is so prepared, as to exhibit only those cases which may have been depending for more than two or three months.

4. The Court, acquiescing generally in this opinion, are pleased accordingly to direct, that the principle above explained shall be observed in the preparation of the quarterly statements under consideration, and that no other requisitions to the revenue authorities, relating to execution of decree, shall find a place therein, save those which may have been on the file for more than three months previous to the close of the quartor: thus, for example, the report submitted after the end of March, as for the first quarter will comprise only cases, which may have been referred to the collector for aid in execution on dates anterior to the 1st January, and the same rule will of course regulate the compilation of the reports for the remaining quarters of each year.

5. If it should so happen, that, at the termination of the quarter, no requisitions of three months' duration await completion, it will be sufficient for the judge to certify the fact in an English letter for the information of the Court, and under the circumstances supposed such letter will be received in place of the report hitherto exacted: it will, however, be the duty of the judges to see that this indulgence is not abused by the subordinate judicial functionaries, and it will depend on the degree of care and attention paid to this branch of their duties, by the local authorities, whether the Court maintain the rule now sanctioned, or revert to the former practice.

6. The reports for the third quarter of the current year, ending 30th September, will be prepared agreeably to the above instructions.

TO THE SEVERAL CIVIL AUTHORITIES IN THE LOWER PROVINCES.

Lower and Western Provinces, 8th October, 1844.

No. 67.

Construction of Section 8, Act VI. 1843, declaring competency of moonsiffs to try suits for damages, and for proprietary right in and possession of lakhiraj lands, but not for the revenue of such lands.

IT is deemed advisable by the Courts of Sudder Dewanny Adawlut to promulgate, for general information and observance, the result of a correspondence, which has recently passed between the two Courts, regarding the legal competency of moonsiffs to receive and determine suits for the property and possession of lands held exempt from the payment of revenue, doubts on that subject having been engendered by the omission of the legislature to rescind clauses 2 and 3, Section 5, Regulation V. of 1831, and to re-enact, in the body of Act VI. of 1843, such portions thereof, as it was intended to place within the competency of moonsiffs.

2. It has been ruled by the two Courts of Sudder Dewanny Adawlut, that, under the terms of Section 8, Act VI. of 1843, suits "for damages on account of alleged personal injuries, or for personal damages of whatever kind, and claims to the *proprietary* right in, and *possession* of lands held exempt from the payment of revenue," are legally cognizable and determinable by moonsiffs, provided that the "restrictions as to local jurisdiction and value of property, mentioned in clauses 1, 2 and 3, Section 5, Regulation V. of 1831," be not transgressed.

3. The Court desire me to add, that the arguments advanced in Circular Order, Sudder Dewanny Adawlut, No. 95, dated 30th August, 1833, for excluding from the jurisdiction of moonsiffs, claims preferred to the *revenue* of *lakhiraj* land, under the provisions of Section 30, Regulation II. of 1819, remain unaffected by Act VI. of 1843, and that suits of that nature must be considered, as heretofore, beyond the competency of a moonsiff to determine.

4. Construction No. 825 must be regarded as superseded, and No. 950 as modified, by this Circular Order and the enactments, which it is intended to elucidate.

TO THE CIVIL AND CRIMINAL AUTHORITIES IN THE NORTH WESTERN PROVINCES.

North Western Provinces, 19th October, 1844.

No. 68.

Publishing for information an arrangement entered into with the Orphan Press at Secundra for the execution of all letter

THE Court, with the sanction of Government, having made arrangements as detailed in the annexure, with the Orphan Press at Secundra, for the execution of all letter press and lithographic printing which may be required for the use of the judicial offices in these provinces, the several functionaries, within the jurisdiction and control of the Court of Sudder Dewanny and Nizamut Adawlut in the North Western Provinces, are directed to

discontinue sending their applications to the Lithographic Press in Calcutta, and to address them, until further orders, to the superintendent of the Orphan Press at Secundra near Agra.

press and lithographic printing which may be required by the judicial offices in the North Western Provinces.

2. With a view to introduce and establish uniformity of system and practice in this department, the Court desire that the first requisition for each description of form, drawn out with due regard to economy of paper (which it will be observed, involves a saving of charge for printing) may be forwarded through the intervention of the Court, after whose approval and sanction it will be transmitted to the press for execution.

3. The indents should be as large as can be conveniently managed, and should be so arranged as not to fall on the press at one time. No more than one indent of each form should be made in the year, as this would subject Government to an extra charge for setting up or transferring if the total number of copies required within the year should fall short of one thousand.

4. Applications for such of the civil and criminal statements as have been hitherto supplied from this office should be addressed to the Court as heretofore, and not to the press.

Conditions on which the work of supplying the Courts of Sudder Dewanny and Nizamut Adawlut, with Lithographed and Printed Forms will be given to the Agra Orphan Press. Table of Rates for setting up or composing in type each page of each permanent Form, and of press work for printing every hundred copies. This refers to forms of which 1,000 *or more copies are required in the year.*

Size in superficial inches of each page.	Setting up for each page.				Press work of every 100 copies.			
				Mixed.	Form of			
	English.	Persian.	Nagree.	English with Persian or Nagree, or Persian with Nagree.	1 page.	2 pages.	3 pages.	4 pages.
	R. A. P.	R. A. P.	R. A. P.	R. A. P.	R. A. P.	R. A. P.	R. A. P.	R. A. P.
Up to 40,	1 0 0	0 8 0	0 8 0	0 12 0	0 1 6	0 3 0	0 6 0	0 6 0
40 to 60,	1 8 0	1 0 0	1 0 0	1 4 0	0 2 0	0 4 0	0 8 0	0 8 0
60 to 80,	2 0 0	1 8 0	1 8 0	1 12 0	0 3 0	0 6 0	0 12 0	0 12 0
80 to 100,	2 8 0	2 0 0	2 0 0	2 4 0	0 4 0	0 8 0	1 0 0	1 0 0
100 to 120,	3 0 0	2 8 0	2 8 0	2 12 0	0 5 0	0 10 0	1 4 0	1 4 0
120 to 140,	3 8 0	3 0 0	3 0 0	3 4 0	0 6 0	0 12 0	1 8 0	1 8 0
140 to 170,	5 0 0	4 0 0	4 0 0	4 8 0	0 8 0	1 0 0	2 0 0	2 0 0
170 to 200,	6 0 0	5 0 0	5 0 0	5 8 0	0 10 0	1 4 0	2 8 0	2 8 0
200 to 240,	7 0 0	6 0 0	6 0 0	6 8 0	0 12 0	1 8 0	3 0 0	3 0 0

Table of Rates for writing and transferring each page of each permanent form by the Lithographic process, and of press work for printing every hundred copies. This refers to Forms of which 1,000 *or more copies are required in the year.*

Size in superficial inches of each page.	Transferring each page.									Press work of every 100 copies.												
	English.			Persian.			Nagree.			Mixed. English with Persian or Nagree, or Persian with Nagree.			Form of 1 page.			Form of 2 pages.			Form of 3 pages.			Form of 4 pages.		
	R.	A.	P.	R.	A.	P.	R.	A.	P.	R.	A.	P.	R.	A.	P.	R.	A.	P.	R.	A.	P.	R.	A.	P.
Up to 40,	1	0	0	0	8	0	0	8	0	0	12	0	0	4	0	0	8	0	1	0	0	1	0	0
40 to 60,	1	8	0	0	12	0	0	12	0	1	0	0	0	6	0	0	12	0	1	8	0	1	8	0
60 to 80,	2	0	0	1	0	0	1	0	0	1	8	0	0	10	0	1	4	0	2	8	0	2	8	0
80 to 100,	2	8	0	1	4	0	1	4	0	2	0	0	0	12	0	1	8	0	3	0	0	3	0	0
100 to 120,	3	0	0	1	8	0	1	8	0	2	8	0	0	14	0	1	12	0	3	8	0	3	8	0
120 to 140,	3	8	0	1	12	0	1	12	0	3	0	0	1	0	0	2	0	0	4	0	0	4	0	0
140 to 170,	4	0	0	2	0	0	2	0	0	3	8	0	1	8	0	3	0	0	6	0	0	6	0	0
170 to 200,	5	0	0	3	0	0	3	0	0	4	0	0	1	12	0	3	8	0	7	0	0	7	0	0
200 to 240,	6	0	0	4	0	0	4	0	0	5	0	0	2	0	0	4	0	0	8	0	0	8	0	0

Table of Rates for setting up or composing in type or for transferring by the Lithographic process each page of each occasional Form, that is of Forms of which less than 1,000 *copies are required in the year.*

Size in superficial inches in each page.	Setting up or transferring each page if more than 300 copies are ordered.			Setting up or transferring each page if 300 copies or fewer copies are ordered.			Press work for every 100 copies.
	Rs.	As.	P.	Rs.	As.	P.	
Up to 40,	0	6	0	0	10	0	As for Permanent Forms.
40 to 60,	0	9	0	0	15	0	
60 to 80,	0	12	0	1	4	0	
80 to 100,	0	15	0	1	0	0	
100 to 120,	1	2	0	1	14	0	
120 to 140,	1	5	0	2	3	0	
140 to 170,	1	8	0	2	8	0	
170 to 200,	1	14	0	2	13	0	
200 to 240,	2	4	0	3	2	0	

CONDITIONS.

1st. All the forms printed at the Orphan Press for Government shall be unexceptionable as to accuracy and neatness, and generally as to goodness of workmanship.

2d. The charge shall be made but once in each year for setting up or composing in type, or for writing and transferring in the lithographic process any permanent form, that is, one of which not less than a thousand copies are required in the year; but for occasional forms of which less than a thousand copies are required in the year, such charge shall be made on each indent.

3d. The rates above specified are exclusive of paper, packing and carriage.

4th. Paper supplied from the Orphan Press shall be charged at the actual cost, with a commission of 5 per cent. in those cases only, in which the paper, by being obtained from another station, is exposed to loss and damage while in transit, and for any paper supplied by Government, a true and faithful account shall be rendered, that is to say, the whole paper shall be printed, excepting one sheet in every hundred sheets so supplied.

5th. The press will be expected to perform the work entrusted to it without any unreasonable delay; failing which it will become necessary for Government to make other arrangements.

TO THE CIVIL AND CRIMINAL AUTHORITIES IN THE LOWER PROVINCES AND EXTRA REGULATION PROVINCES.

Lower Provinces, 25th October, 1844.

No. 69.

The rule in Section 2, Regulation XXXVIII 1793, prohibiting public officers from lending money to persons within their jurisdiction, extended to uncovenanted judicial officers.

THE Court are pleased to direct, with the sanction of the Government, that the rule in Section 2, Regulation XXXVIII. 1793, prohibiting public officers from lending money to persons within their jurisdiction, be extended to all uncovenanted judicial officers.

TO THE CIVIL AND CRIMINAL AUTHORITIES IN THE NORTH WESTERN PROVINCES.

North Western Provinces, 25th October, 1844.

No. 70.

Regarding security bonds executed by the sureties of the judicial

THE Court are induced to presume, that the security bonds, executed by the sureties of the judicial treasurers and other officers entrusted with the charge of money, whether public or belonging to private individuals, are drawn up in terms so vague and indefinite,

treasurers and other officers entrusted with the charge of money, whether public or belonging to private individuals.

as to impair their sufficiency, and that, notwithstanding the instructions contained in Circular Orders, Sudder Dewanny Adawlut, cited marginally,* and the check imposed by the periodical submission of the statement and certificate thereby prescribed, the securities are not annually examined and revised with that careful scrutiny, which has been strictly enjoined.

*No. 34, dated 23d September, 1831.
No. 150, ditto 3d July, 1835.
No. 193, ditto 20th January, 1837.

2. The several judicial officers were desired, in taking securities, to be careful that the sureties should bind themselves and their heirs to make good all losses sustained by the default, or fraud of the officer, for whose conduct they became responsible, and to secure the pignoration of property on the part of the surety, the amount of which should be determinable by the value of the property or the amount of money likely to be left in the hands of the officers, from whom the security was demanded.

3. The Court having reason to believe, that the terms of the security bonds, executed by the sureties of judicial treasurers and other officers above indicated, do not express the full measure of the liability, implied in the instructions above cited, are pleased to subjoin a form of bond, which sufficiently comprehends all the obligations assumed by sureties, and to direct, that the judicial authorities, in enquiring into the sufficiency of the security of the officers on their establishments at the approaching termination of the year, will be pleased to compare carefully the phraseology of the bonds (which on this and every other occasion of the like nature should be invariably subjected to their inspection) with the terms of the annexed formula, and, in the event of the former being deficient in clearness and comprehensiveness, or essentially different from that contemplated by Circular Order of the 23d September, 1831, No. 34, to cause new security bonds to be executed by the sureties, corresponding with that which is appended to this order.

4. In reporting the result of the prescribed revision according to the prescribed form, the judicial authorities are hereby required to certify that the bonds have been carefully examined and found to correspond in their terms with the annexed formula, and that memorials thereof have been registered in pursuance of the instructions conveyed in Circular Order, Sudder Dewanny Adawlut, No. 15, dated 2d May, 1843.

Printed Circular Order, Vol. IV. page 10.

5. It will be of course understood that the obligation resting on the judicial authorities, of instituting the necessary inquiries to establish the validity and sufficiency of the security furnished by those of their subordinates, who hold offices of pecuniary responsibility, remains unimpaired, and that the certificate prescribed by Circular Order, Sudder Dewanny and Nizamut Adawlut, No. 193, dated 20th January, 1837, must be invariably inserted at the foot of the annual statement, which they are directed by orders above referred to, to submit.

مٹنکه ولد کوٹهي ساکن کاهون
جوڈیشگاہ صاحب جج صدالت دیواني ضلع سے بابت
خزانه متعلقهٔ صدالت مذکورہ کے اُس محکمه کے خزانچي سے
به تعداد روپئے کے تصرف ضامني مطلوب ہے
اِسواسطے مٹن برضا اور رغبت اپنے مسمی کاکه فی الحال
بعهدهٔ خزانچي گري محکمهٔ مذکورہ کے متررہے متکفل ہوتا
ہون اِس اِقرار سے که جب کبهي منجمله روپئے یا لوٹ وغیرہ نقد
اور جنس محوله خزانچي مذکور کے از روي حساب کے کچهه
باقي سرکار کي ذمه مشارالیه کے نکلے تو مٹن ضامن بلا عذر اور
حجت زر ذمگي خزانچي مذکور کو اپنے پاس سے ادا کرون اور
جایداد مصرحهٔ ذیل کو که مالیتی روپئے کی بلا خلش
ازان خاص مجهه ضامن کي ہے بطریق نشان ضمانت مکفول
کرتا ہون اور مٹن یهه وثیقه بطور تصرف ضامني کے لکهه دیتا ہون
که صدالحاجت کام آوے المرقوم

TO THE CIVIL JUDGES IN THE LOWER PROVINCES.

Lower Provinces, 8th November, 1844.

No. 71.

In modification of C. O. No. 127, of the 12th Dec. 1834, the quarterly statement of requisitions to the collector is to include those cases only in which the delay is not accounted for.

THE Court direct, in modification of paragraph 4, of the Circular Order No. 127, of the 12th December, 1834, that no other cases be included in the quarterly statement of requisitions to the collector relating to execution of decrees, which is transmitted to the commissioner of the division, than those in which delay is imputable to the collector, and is not satisfactorily accounted for by the explanatory remarks which that officer is required to append to the statement.

TO THE CIVIL JUDGES IN THE LOWER AND WESTERN PROVINCES.

Lower and Western Provinces, 8th November, 1844.

No. 72.

C. O. No. 138, vol. II. superseded. Every class of uncovenanted judges may be employed in attesting mookhtarnamahs that are to be filed in other courts.

IN supersession of the Circular Order No. 138, dated Western Provinces 6th March, and Lower Provinces 3d April 1835, the Court are pleased to declare that the district judges are competent to employ generally the sudder ameens and moonsiffs, equally with principal sudder ameens, in attesting mookhtarnamahs required to be filed in other courts.

2. The uncovenanted judges of every class should be required to affix their official seals, as well as their signatures, to mookhtarnamahs, and cautioned against registering such papers or levying any fee or gratuity for attesting them.

3. The personal appearance and acknowledgment of the party executing the mookhtarnamah is unnecessary, it being quite sufficient that the execution of the document be proved by two credible witnesses.

TO THE CIVIL AND SESSION JUDGES IN THE NORTH WESTERN PROVINCES AND SAUGOR AND NERBUDDA TERRITORIES, AND THE COMMISSIONER OF KUMAON.

North Western Provinces, 18th November, 1844.

No. 73.

Attention directed to Government orders 31st March 1834, regarding contingent charges.

THE Court, finding that the orders of Government dated 31st March 1834, on the subject of contingent charges, incurrible by the civil and session judges, are frequently overlooked, are pleased to publish an extract (paragraphs 1 and 2) from the same for general information, and direct that the authorities to whom they are applicable, will henceforward follow the practice thereby prescribed, and cease to submit applications for the disbursement of money through the intervention of the Court.

Extract (paragraphs 1 and 2) from the Orders of Government dated 31st March, 1834.

Para. 1. In modification of the existing rules on the subject of the contingent charges of the office of civil and sessions judge and commissioner of circuit, the honorable the Vice President in Council is pleased to determine, that monthly statements of such charges incurred by them shall in future be forwarded by the civil and sessions judges, and by the commissioners respectively, to the civil auditor,—the duty of examining and checking the statements being vested in that officer, who will possess authority to pass, without further reference, all such items of charge as he may think usual and unobjectionable whatever their amount, reporting those which may not be of that character, in quarterly statements, for the consideration and orders of Government.

2. It is to be understood, that it will not be necessary to apply for the sanction of the civil auditor previously to incurring any contingent charge. Disbursements may be made in the first instance on the responsibility of the civil and sessions judges, or the commissioners, as the case may be.

TO THE CIVIL JUDGES IN THE LOWER PROVINCES.

Lower Provinces, 3d January, 1845.

No. 74.

Inventories of the property of intestates, unclaimed upwards of twelve months, to be submitted to the Government at the close of the year.

THE Court direct, in pursuance of instructions from the Government, that, in lieu of a separate inventory, in each instance, of property of intestates unclaimed upwards of twelve months, you will in future submit to the Government, at the close of every year, a general statement of all property of the kind which may be in your custody for a period exceeding twelve months after the issue of notice for the appearance of heirs or claimants.

TO THE CIVIL JUDGES IN THE LOWER AND WESTERN PROVINCES.

Lower Provinces, 3d January,
Western Provinces, 10th March, } 1845.

No. 75.

Error in the Persian and Bengalee versions of Section 6, Regulation XVII. 1793, and Regulation XXVIII. 1803.

THE Courts of Sudder Dewanny Adawlut circulate the subjoined amendment of an error in the Persian and Bengalee versions of Section 6, Regulation XVII. of 1793, corresponding with Section 6, Regulation XXVIII. 1803.

قانون هفدهم سنه ۱۷۹۳ وبست وهشتم سنه ۱۸۰۳ عیسوي

دفعه ششم

درصورتیکه احدی از جملهٔ کسانیکه اختیار فرق دارند اجناس اجارهٔ داران وکتکنه داران و رعایا و تعلقداران توابع خود فرق سازد وعند التجویز متحقق شود که فی الحقیقة چیزی باقي بذمهٔ آنها نیست درینصورت اجناس مزبورا زفرق کنندهٔ بمالک واپس دهانیدهٔ خواهد شد درصورتیکه فروش گردد یا تلف شود یا نقصاني دران رسد یا موجود نباشد بقدر مالیت اجناس ازفرق کنندهٔ نشان دهانیدهٔ خواهد شد ونیز درهرحال سیوای آن مبلغ بقدر مالیت آن اجناس بطریق تاوان مع خرچهٔ عدالت دهانیدهٔ خواهد شد

৬ ধারা।

ক্রোকের ক্ষমতাপ্রাপ্ত কোন ব্যক্তি যদি বাকী খাজানা অথবা রাজস্বের নিমিত্তে কোন কটকিনাদার অথবা রাইত কি তালুকদারের দ্রব্যাদি ক্রোক করে অথবা বিক্রয় করায় এবং যদ্যপি দেওয়ানী আদালতের বিচারকালে এমত দেখাজায় যে সেই সময়ে তাহারদিগের নিকটে নিতান্ত কিছু বাকি ছিলনা তবে ক্রোককারক দ্রব্যাদির মালিককে দণ্ডস্বরূপ ঐ দ্রব্যাদির মূল্যের তুল্য টাকা আদালতের খরচা সমেত দিবেক এবং তাহাকে ঐ দ্রব্যাদি ফিরিয়া দিবেক এবং যদি সেই দ্রব্যাদি বিক্রয় অথবা নষ্ট কিম্বা অস্থিত হইয়া থাকে তবে তাহার মূল্য তাহাকে দিবেক ইতি।

TO THE CIVIL JUDGES IN THE LOWER PROVINCES.

No. 76.

Lower Provinces, 17th January, 1845.

Rules for the transmission of the records of monthly decisions by the subordinate judicial officers to the sudder stations.

THE Court are pleased to issue the following remarks and orders, regarding the transmission, by the several subordinate courts, of the records of monthly decisions to the sudder station.

2. By Clause 8, Section 10, Regulation XX. of 1817, police darogahs are required to forward, by the thannah dawk, or by their burkundauzes, *as "occasions may offer,"* papers sent to them by the subordinate civil judges for that purpose. On the other hand, the transmission of the records of monthly decisions is directed to be *periodically* made, and cannot, if the rules prescribed by Circular Order, Sudder Dewanny Adawlut, No. 49, dated 20th September 1839, are to be enforced, be allowed to depend on the *occasional* opportunity, which a police darogah may think fit either to improve, or on the other hand to leave unheeded. Independently of this, the Court observe, the increased bulk of the records of the subordinate tribunals, arising from the enlargement of their powers, and the consequent accession of judicial business before them, opposes a serious obstacle to the employment of the thannah dawk, as a means of conveying them to the sudder station.

3. The Court, however, are not disposed to dispense with the attendance of a police burkundauze, which is authorized by law, and affords some security for the safe arrival of papers in transit; and they are pleased accordingly, with the permission of

Government, to direct that the subordinate judicial officers forward the records of monthly decisions by a specified date, to the nearest thannah, for transmission to the sudder station, taking a receipt from the darogah, or, in his absence, from the head officer present at the thannah. The judicial officers will provide the requisite coolies for the conveyance of the records, and indent on the judge for the expense incurred thereby. It shall be the duty of the police darogah to despatch the papers in question, without delay to the sudder station, under charge of a burkundauze. A chellan, under the signature of the judicial officer, exhibiting the date of transmission to the thannah, and the number of misls, will accompany the records, and serve to show whether there has been any delay on the part of the police in forwarding them to the sudder station.

4. The judges are requested to determine the period, within which each moonsiff shall be required to have his records of monthly decisions delivered to the police darogah, with due advertence to the necessity of enforcing the provisions of Circular Order, Sudder Dewanny Adawlut, No. 49, dated 20th September 1839, and with reference to the distance of each receiving thannah from the sudder station.

Circular to the Magistrates in the Lower Provinces, dated the 17th January, 1845.

The Court call the attention of magistrates in the Lower Provinces to a Circular Order addressed under this date to the civil judges, regarding the practice to be in future pursued by moonsiffs, and others, in transmitting the records of monthly decisions to the sudder station, and request that the police darogahs, subject to their control, may be furnished with the requisite instructions for giving effect to the directions therein contained.

TO THE CIVIL AUTHORITIES IN THE LOWER AND WESTERN PROVINCES.

Lower and Western Provinces, 23d January, 1845.

No. 77.

The annual civil reports to include a note of the condition of the records, the cause of any defects that may have been detected, and the measures taken for the correction of the defects.

THE Circular Order No. 232, dated 4th November 1842, declares that "any officer, who permits the records of his office to fall into disorder, shall be held responsible to Government for the expences incurred in their re-adjustment," and, further, that any functionary, receiving charge of an office, the records of which may be in disorder, who shall fail to make a timely report of their state, will be similarly held answerable for the outlay attending their assortment and arrangement.

2. It is known that in many districts a considerable expenditure has been incurred in the methodical adjustment of the judicial records, and it is believed that, in the majority of others, the record department has been brought into a state of practical efficiency and order by the personal assiduity of the judges, and the unassisted efforts of their ministerial establishment, acting under their supervising direction.

3. With the object of securing the maintenance of this efficiency in those offices where it has been attained, as well as of ascertaining the existence of disorder or immethodical arrangement of the records in others, and enforcing with regard to them the responsibility above declared to rest on those functionaries, who may have permitted such disorder to supervene, the Court are pleased to direct that the several civil judges will include in their annual reports on the administration of civil justice for the past and all subsequent years, a brief notice of the condition of the record department of their respective offices, after personal ascertainment thereof, mentioning any defects that may have been detected, the causes to which their existence may be ascribable, and the measures that may have been taken for their immediate correction.

4. In the first report, submitted agreeably to this order, the Court will expect to find the system, followed in the arrangement of the records, described, and the outlay incurred in its completion, as well as the period thereof specified. In subsequent reports, a reference to these details, and a brief notice of any changes or improvements, that may have been introduced within the period embraced in such reports, will sufficiently answer all the purposes contemplated by the Court in issuing these instructions.

TO THE SEVERAL CIVIL JUDGES IN THE NORTH WESTERN PROVINCES.

No. 78. *Western Provinces, 31st January, 1845.*

Promulgates certain instructions on the subject of talookdaree tenures.

THE Court of Sudder Dewanny Adawlut, North Western Provinces, in their Circular Order No. 208, dated 24th June 1842, have issued some instructions for the conduct of civil suits regarding proprietary rights in mehals, where, to use the terms of Section 10, Regulation VII. of 1822, two or more persons may possess a joint property consisting of interests of the same kind, viz. in zumeendaree and putteedaree mehals. They now find it necessary similarly to issue instructions for the conduct of civil suits, affecting proprietary rights in mehals, where " several parties possess separate heritable and transferable

properties, consisting of interests of different kinds," these being the tenures referred to in Clause 1, Section 10, Regulation VII. of 1822, and commonly known as talookadaree. Such mehals may consist of one or more villages, but the term is generally applied to a number of villages which are said to constitute a "talooka," as the designation of "talookadar" is commonly used to represent the person, who in times antecedent to our acquisition of these territories was usually admitted to engage for the payment of the Government revenue, and was allowed to exercise all the right inherent in the Government regarding the properties or interests of subordinate occupants: these subordinate occupants, having, in the revision of settlement in these provinces, been adjudged by the settlement officers to possess a heritable and transferable property in the soil, consistently with the right of the talookadar, have received the appellation of "mokuddums," or "mokuddum biswahdars."

2. This species of tenure, the Court observe, is distinctly recognized by Clauses 1 and 2, Section 10, Regulation VII. of 1822, which, reserving to the administrative authorities the privilege and power of determining and directing which of the two parties possessing interests of different kinds in such properties, shall be admitted to engage for the Government revenue, enact, that due provision shall be made "for securing the rights of the remaining parties." To the administrative authority also is reserved the option of prescribing "the manner and proportion in which the net rent or profit, arising out of the limitation of the Government demand, shall be distributed among the different parties possessing an interest in the lands appertaining to a mehal," exhibiting the distinctive character ascribed to the talookadaree tenure.

3. It is asserted by the Government in communication with the Court, that, in the recent settlement of the North Western Provinces, the existence of these tenures has been ascertained, and that in regard to them the provisions of law above recited have been observed; that is, after determining which of the parties, possessing interests of different kinds therein, should be admitted to engage for the payment of the Government revenue, and distributing the net rent or profit arising out of the limitation of the Government demand, due provision has been made "for securing the rights of the remaining parties."

4. In the settlement of each village, or other component part of a talooka, the first and the main question for determination was, whether the tenure was of the nature described in Clause 1, Section 10, Regulation VII. of 1822, that is, whether it was the exclusive property of the talookadar, or whether other parties were also in possession of heritable and transferable properties therein, consisting of interests of a different kind from that of the

Vide Clause 1, Section 14, Regulation VII. of 1822.

talookadar. The judicial decision of this question in the first instance, rested with the officers making or revising settlements, and that decision is in the last resort liable to be contested in the civil courts, agreeably to Clause 6, Section 29, Regulation VII. of 1822.

5. When the question as above stated, i. e. whether the land or village claimed, is the property exclusively of one party, or whether other parties are likewise possessed of separate heritable and transferable properties of a different kind, is brought before the civil courts for trial and adjudication, it should, the Court observe, be borne in mind, that the recognition of the one right is neither incompatible with the existence of the other, nor decisive of the point at issue before the Court. For example, a suit may be instituted by a talookadar for the sole right, property, and possession in any component part of a talooka, where the tenure above described has been judicially declared by the settlement officer to exist, and it may be satisfactorily proved, that the claimant has been formerly "under engagements, and recorded in the accounts of past settlements as zumeendar, or talookadar, or the like:" this, the Court observe, would be by no means conclusive against the existence of other subordinate properties, consisting of interests of a different kind from those owned by the talookadar, and could not of itself be held to justify the entire exclusion of the parties possessing such properties, from proprietary occupancy of the soil, and the enjoyment of the rights thereupon contingent. In such a case it would be the duty of the court to receive evidence from the adverse party, whatever denomination they may assume, to prove the co-existence of a separate heritable and transferable right, and to establish their possession of that right, before pronouncing judgment in favor of the claimant.

6. Without desiring or attempting to define with any approach to precision, the character and amount of evidence, which should be required in cases of this description, the Court observe that the whole tenor of Regulation VII. of 1822, vests officers, conducting settlements, with authority to correct the errors of former settlements; that Clause 2, Section 5, of the same Regulation tends to show, that to have been "recorded in the accounts of past settlements as zumeendar, talookadar, or the like," cannot of itself be held to decide the question as to the precise extent of the rights possessed by the party who may have been heretofore admitted to engage for the payment of the Government revenue, and that, in determining the matters at issue, evidence may equitably be admitted to the existence of all such rights and usages, as are held by the custom of the country to be indicative of the possession of proprietary right.

7. The Court desire only to add, that the suit in court is of course a suit *de novo*, and to be tried on its own merits, due advertence being had to the facts elicited by the

investigation of the settlement officer, and to impress upon all the judicial authorities the importance of giving their best attention to the principles above set forth in the adjudication of all suits, affecting interests of the nature herein described.

TO THE CIVIL JUDGES IN THE LOWER PROVINCES.

Lower Provinces, 3*d February*, 1845.

No. 79.

Remarks and orders having reference to the prevention of delay in the preparation of regular suits and miscellaneous cases, and the discovery of default on the part of suitors.

THE Court have had instances before them in which plaintiffs have been allowed to file documents and lists of witnesses, and to do other acts in prosecution of their suits, after they had incurred the penalty of default under Act XXIX. of 1841. There is reason also to believe that the appearance of regular suits and miscellaneous cases on the file, after the lapse of one year from the date of institution, is generally attributable to delays, which methodical regularity in preparing them for decision might obviate. With a view to prevent such irregular revival of suits, which had become extinct by default, and expedite the transaction of civil business, as far as may be practicable, consistently with a just regard to the requirements of law, the following rules are promulgated for the guidance of the civil judges and their subordinates.

Firstly. No order for the filing of pleadings, or presentation of exhibits, for the issue of legal process, whether of notice to the defendant, or proclamation, or subpœna for the attendance of witnesses, or for production of papers from the record, shall be passed without the simultaneous assignment of a specified period for its fulfilment; provided, of course, that the order, whatever its object and purport, be susceptible of execution within a given period; and provided that, by existing enactments, no fixed period is allowed for such execution.

Secondly. To the record of every pending suit or miscellaneous case, shall be prefixed a fly-leaf, on which shall be inscribed the title of every paper filed, in the order of its presentation relatively to dates, with the date of such presentation, and of the order recorded, and specification of the period which may have been allowed for the fulfilment of that order.

Thirdly. On the expiry of that period, without execution of the order to which it relates having taken place, it shall be the duty of the serishtadar, or other ministerial officer, to bring the fact to the notice of the presiding authority, and to lay the record of the case before him, for such instructions as he may be pleased to issue.

Fourthly. It shall be the duty of the serishtadar, or other ministerial officer, to lay before the court the record of every suit, in which the period of six weeks may have expired since the last act done by the plaintiff in prosecution of his suit, in order that the necessary order for striking the suit off the file may be passed, agreeably to Act XXIX. 1840.

Fifthly. The judges, both covenanted and uncovenanted, are expected, before admitting any document on the part of the plaintiff, or permitting him to do any act in prosecution of the suit, to ascertain that no default, rendering the dismissal of the suit necessary, has been committed.

2. A strict adherence to these rules will have a beneficial effect, it is believed, in bringing to light default or neglect on the part of suitors, by reference simply to one paper, and will thus afford easy and efficient means of counteracting their dilatoriness; while, at the same time, it will enable the judicial authorities to discover at once and reprehend irregularity and want of method on the part of their subordinates. The controlling power of the civil judges over the moonsiffs, and other functionaries subject to their supervision, will be similarly enlarged, and its exercise facilitated. For, should undue protraction of any suit or miscellaneous case be apprehended, he may, by requiring a copy of the fly-leaf, and examining it, ascertain how the delay has occurred, and to whom it is to be ascribed.

Time within which suits ought to be disposed of, determined, and employed as a criterion of the diligence and ability of judicial officers.

3. The judicial agency now employed is large, and is believed to be composed generally, of men well educated, intelligent, and efficient; and the Court are of opinion that, except under very peculiar circumstances, no suit should remain undetermined twelve months from the date of its institution, and but few should appear on the file after the expiry of six months. To this point, therefore, the Court will in future specially refer, as an indication of the degree of diligence and judicial ability brought into exercise in the conduct of the civil administration of each district.

Judicial officers to note instances of misconduct on the part of pleaders, and to punish them by dismissal or otherwise.

4. As connected with the subject, the Court take the opportunity of adverting to complaints which have been preferred to them by various uncovenanted judicial officers, with whom they have communicated, of the indolence and inattention of the pleaders practising in their courts, and of their inability, without the aid of superior authority, to control them. The Court direct that the several judicial authorities be careful, in future, to note instances of misconduct on their occurrence, and, if so frequently repeated as to impede the transaction of business, to punish the offending parties by dismissal from office, or otherwise, as the occasion may seem to demand.

TO THE SEVERAL CIVIL AUTHORITIES IN THE LOWER AND WESTERN PROVINCES.

Lower and Western Provinces, 14th February, 1845.

No. 80.

Rules regarding the disposal of claims on the estates of persons dying intestate, no heirs being forthcoming.

To remove doubts regarding the disposal of claims of creditors on the property of persons who die intestate, no heirs being forthcoming, the Court are pleased to declare that no suit can be instituted for the establishment of such claims, before the expiration of the twelve months specified in Clause 7, Regulation V. 1799, and Clause 7, Section 16, Regulation III. 1803; since, before that period, the service of the notice required by Section 2, Regulation II. 1806, is impracticable.

2. Any claims on such property, which may be preferred to the judge within the limited time, should, in the event of the property being carried to the credit of Government at its close, be reported to the Government for its orders. Should the claims be rejected, the claimants will be at liberty to bring a regular suit against the Government in the courts of justice.

TO THE CIVIL JUDGES IN THE LOWER AND WESTERN PROVINCES.

Lower Provinces, 28th February,
Western Provinces, 11th April, } 1845.

No. 81.

Decisions of the Judges of every grade, recorded under Act XII. 1843, to be entered in books.

With a view to facility of reference, the Court direct that the decisions recorded by judges of all grades in their own hand, in conformity to Act XII. 1843, be copied into a book, consecutively, by a writer or moharrir, and signed by the deciding officer in attestation of the correctness of the transcript. An abstract index, in the subjoined form, will be attached to the book.

Number of the case and year.	Names of the parties.	Substance of the plaint.	Orders in case and date.	Deciding Judge.	Remarks.

2. The entries in this book will commence with the decisions of January last. The decision books of the subordinate courts will be forwarded annually to the judge's office for deposit.

TO THE CIVIL AND CRIMINAL AUTHORITIES IN THE NORTH-WESTERN PROVINCES.

No. 82. *Western Provinces, 5th March,* 1845.

Promulgates extension of rule in Section 2, Regulation XIX. of 1803, to all uncovenanted judicial officers.

THE Court are pleased, with the sanction of Government, to direct, that the rule in Section 2, Regulation XIX. of 1803, prohibiting public officers from lending money to persons within their jurisdiction, be extended to all uncovenanted judicial officers.

2. It will of course be understood, that the foregoing prohibition does not extend to the officers on the ministerial establishments of the several civil and criminal courts, but to those functionaries only who are legally empowered to exercise judicial functions.

TO THE CIVIL JUDGES AND REGISTERS OF DEEDS IN THE NORTH-WESTERN PROVINCES.

No. 83. *Western Provinces, 12th March,* 1845.

Promulgates extract (paras. 2 and 3,) of a letter from judge of Azimgurh, regarding registration of deeds, with a view to prevention of the abuses therein exposed.

THE Court publish the following extract (paragraphs 2 and 3) of a letter from the judge of Azimgurh, regarding the registration of deeds during the year 1844, in the expectation, that enquiry will establish the existence of similar abuses in other offices, and that the precautions taken by Mr. Neave, if generally adopted, will be sufficient to ensure their correction. Mr. Neave very justly observes, that the practice of delegating the duties, connected with the registry of deeds, to an officer liable to interruption by other calls upon his attention, is not only illiberal in reference to the considerable sum received by the register for his services, but destructive at the same time of the efficiency of the registry office; and the Court expect that, wherever the same practice may be found to obtain, the civil judges will forthwith enforce its relinquishment.

Extract (paragraphs 2 and 3) of a letter from the Judge of Azimgurh, No. 6, dated 23d January, 1845.

Para. 2. As I sign the registry books every week, I see that they are properly kept up, as prescribed. The indexes are also properly prepared, as required by Section 9, Regulation XX. 1812, and Circular Order No. 1288, of July 26, 1844.. On enquiring minutely into the registry affairs, I found complaints existing that people were unnecessarily detained at the office; and I discovered that the principal sudder ameen caused

the duties of mohurrir to the registry of deeds to be performed by the Roznamcha Nuvees of his court, a practice not only illiberal in reference to the large sum received by the register for his services, but highly to be deprecated as respects the efficiency of his office, and in every respect detrimental to the adequate performance of the mohurrir's duties as officer of the civil court.

Para. 3. I have therefore directed that the principal sudder ameen shall not employ the omlah of his court in the performance of his duty, but that he shall appoint for this service a mohurrir, or mohurrirs, as the case may require; and that too on an adequate salary, that a deficiency of proper remuneration may not lead to that system of extortion, to which an ill-managed registry office is capable of being made subservient. I have also directed that all papers presented for registry before two o'clock in the day be registered on that day; and that the principal sudder ameen be pleased to report from time to time that this rule is complied with, and I have caused an ishtahar to this effect to be suspended in the court of the principal sudder ameen, as well as my own, and giving notice that both he and the judge will be ready to hear any verbal complaints of delay.

TO THE CIVIL JUDGES IN THE LOWER AND WESTERN PROVINCES.

Western Provinces, 13th March, }
Lower Provinces, 23d May, } 1845.

No. 84.

Construction of Act III. 1843, regarding the period allowed for the presentation of petitions for special appeal, and the documents which should accompany them.

As misconception appears to prevail in regard to the period allowed by law for the institution of special appeals, and the obligation resting on such appellants, of submitting, together with their petitions, copies of the several decrees passed on the case by both the inferior courts, the Court deem it right to declare that, agreeably to the unqualified terms of Section 2, Act III. of 1843, no application for special appeal can be legally admitted, unless it be presented "within the period limited for the presentation of regular appeals," and that the required copies of the previous decisions must be exhibited within the same period. A strict interpretation of the law, which enacts that "every application for special appeal shall be accompanied by copies of the several decrees previously passed on the case," might perhaps justify the conclusion, that unless the petition praying for special appeal be so "accompanied," that is, unless the petition and the copies of decrees previously passed be simultaneously submitted, it cannot be recognized as a *legal* application for special appeal; but without intending to rule this point, the Court intimate that the documents in question must be invariably exhibited within the period allowed for the presentation of regular appeals, and that failure to observe this

injunction will necessarily involve a rejection of the petition praying for special appeal, even though the latter may have been filed within the limitation above mentioned.

2. The civil judges are requested to take every proper means for giving the widest publicity to this construction of a law, the provisions of which are imperative, and confer upon the Sudder Dewanny Adawlut no authority to admit special appeals, not legally instituted within the period allowed by law for the presentation of regular appeals.

TO THE CIVIL JUDGES IN THE NORTH-WESTERN PROVINCES.

No. 85. *Western Provinces, 15th March*, 1845.

Rescinds para. 13 of Circular Order No. 208 of 24th June 1842, and extends the rules thereunto appended to those districts, the settlements of which have been revised, and records prepared according to Regulation IX. of 1833, without exaction of the certificate heretofore required: explains the terms of the rules in question, and states the light in which settlement records ought to be taken by the civil courts when deciding suits regarding land.

RECENT enquiries, having for their object the ascertainment of the practical operation of the rules prescribed by Circular Order, Sudder Dewanny Adawlut, No. 208, dated 24th June 1842, lead the Court to conclude, that the purpose and signification of the 13th paragraph thereof have been misapprehended, and that, without some explanation and modification of its terms, the rules in question will continue to be, as they have hitherto been, greatly restricted in their application and useful effect.

2. This misconception would seem to have arisen rather from defect of attention and consideration, than from any indistinctness of the phraseology employed, which distinctly declares, that the rules shall be in force, "generally in respect of their other provisions, but, as far as they relate to the settlement record, and to the fulfilment of any requirement for which a reference to that record is needed, only in those districts, or portions of districts, in which the settlements have been revised under Regulation IX. of 1833, on the collector's annually certifying" that the said records, prepared in conformity to the instructions of the Sudder Board of Revenue, have been examined and found correct. It is evident from the foregoing extract, that the restriction was intended to be limited to those parts of the rules, which relate to the settlement record, and not to extend to the whole of those rules, the provisions of several of which have no reference to settlement records, and may be acted on equally where those records are defective and erroneous, as elsewhere.

3. It is further to be observed, that some of the rules under notice simply reiterate the requirements of existing law, enjoin their observance, and the adjudgment of the penalties attaching under that law to their infringement, and that these particular requirements might, and should be enforced by the civil courts, had the Circular Order to which they are appended, never seen the light.

4. The Court, having reconsidered the paragraph above cited, are disposed to think that the restriction, which it prescribes, even in the limited application given to it in the foregoing lines, is not only inexpedient, but actively injurious. It can hardly be expected that a certificate, embracing records of such comprehensiveness and minute detail as the settlement papers, should be punctually rendered; and it seems puerile, for the mere want of such a certificate, (the very comprehensiveness of which should ordinarily throw doubts on its integrity,) to reject those portions of the record, the accuracy of which may be either admitted or proved, and with them the information regarding the precise subject of litigation, which they are calculated to afford. Though informalities and errors, preventing the revenue authorities from giving a certificate as now required, may exist, still these defects need not, and should not, be held to vitiate the entire record, and deprive it of all title to authenticity and usefulness.

5. Under these circumstances, the Court are pleased, with the sanction of Government, to declare paragraph 13 of Circular Order, Sudder Dewanny Adawlut, No. 208, dated 24th June 1842, hereby rescinded, and to direct, that the rules thereunto appended shall be, as far as practicable, brought into full operation in all those districts, the settlements of which have been revised, and records prepared, in accordance with the provisions of Regulation IX. of 1833, and the corresponding instructions of the Sudder Board of Revenue, without exaction of the certificate heretofore required.

6. The Court take this opportunity of explaining that the extract required by rule 4 to be appended to the petition of plaint, should be taken not from the field map, as therein stated, but from the khusreh, (or from the assamewar khutoonee, whenever that may be the more correct and authoritative document,) in which not only the number of each field, corresponding with the number which represents it in the field map, but its area, and name of its proprietor and occupant, are entered.

7. It may not be irrelevant, in conclusion, to observe, that the settlement records are not to be taken as the ground of decision of suits respecting land, but rather as the basis of information regarding the precise subject of litigation; as an useful and valuable aid, rather than as a rule of guidance to the civil courts. Let the information, which these records afford, be received and carefully collated with the other evidence, which will always be adduced; let that, which is manifestly erroneous be rejected, and that, the truth of which is clear, and undeniable, be availed of; and none other than results satisfactory to litigant parties, and creditable to the civil administration, can ensue. It is as useless to expect absolute infallability in the records of settlement, as it is evidence of a narrow-minded prejudice to reject that which is really correct and valuable, because some errors or informalities are discernible.

TO THE CIVIL JUDGES IN THE LOWER PROVINCES.

No. 86. *Lower Provinces, 28th March,* 1845.

Zillah judges enjoined to take evidence, and record their opinion, on points indicated in roobakarees of the Sudder Court, of which copies may be filed by parties with a petition.

THE Court, having frequent occasion, when hearing summary appeals, to require parties to substantiate their assertions by the evidence of witnesses, are pleased to establish the following rule of practice, for the observance of the civil judges, and officers in charge of the current duties of judges' offices.

Whenever a petition may be presented in any zillah court, with a copy of a roobakaree of the Sudder Dewanny Adawlut, authorising a party to prove any point which he may have asserted, it will be the duty of the judge, or officer in charge of his office, without requiring any express order, to take the depositions of the witnesses, who may be produced before him, and record his opinion, as to whether the point in question has been proved or not, allowing the applicant to take an authenticated copy of his roobakaree.

TO THE CIVIL JUDGES IN THE LOWER PROVINCES.

No. 87. *Lower Provinces, 4th April,* 1845.

Judgments passed on appeals are open to review, even though special appeals from those judgments be pending before the Sudder Court.

THE Court are pleased to intimate, for the guidance of the judges and principal sudder ameens, that the liability of orders, passed by principal sudder ameens in appeal, to be revised in special appeal by the Sudder Dewanny Adawlut only, does not debar the zillah judges from receiving and disposing of applications for permission to review such orders, in exercise of the authority expressly conferred upon them by Clause 2, Section 19, Regulation V. 1831.

TO THE CIVIL AUTHORITIES IN THE NORTH-WESTERN PROVINCES.

No. 88. *Western Provinces, 7th April,* 1845.

Prescribes submission to the zillah judges, by ameens, of a monthly report, exhibiting the orders addressed to those officers by the judicial authorities, and the progress made in their execution.

THE Court, in reviewing the quarterly reports of long standing cases, submitted agreeably to Circular Order No. 144, dated 24th March 1841, have not infrequently found reason to animadvert on the dilatory and irregular proceedings of the ameens, employed in giving effect to the orders of the several judicial authorities; and they are disposed to think, that the submission of a periodical statement, exhibiting the orders addressed to those officers, and the progress made in their execution, may afford to the civil judges sufficient facilities for the prevention of carelessness, and the correction of any errors, originating in ignorance or inexperience.

2. The annexed form of monthly report has been in use for some time past in the Ghazeepore district, and having been found practically efficacious, may, perhaps, be introduced with advantage in all the districts of the North Western Provinces; its several headings are so simple that no particular instructions for its preparation are considered requisite, save that the report submitted by each ameen shall comprise all the orders received by him within the month, and shall exhibit in the 8th column the causes which may have operated to prevent the fulfilment of such as remain incomplete at its close.

3. It will be the duty of the ameens to submit this report on the 5th of the month, following that to which it relates, to the several judicial officers, from whom the orders emanated; and it will behove the latter, after carefully revising the report, and recording in the column assigned to that purpose such remarks in regard to the ameen's proceedings, and the reasons given by him for non-execution of the injunctions, as they may consider necessary, to forward the same for the final examination and orders of the zillah judge.

4. It seems to the Court, that this method will at once show, whether unnecessary delay has been permitted in the execution of any orders, and, if so, to whom that delay is ascribable; but it is obvious, that the efficacy of the check described will depend entirely on the degree of punctua-

	Designation of the officer who issued the order.	1.
	No. of the case.	2.
	Names of the parties.	3.
	Abstract of the orders, together with the date.	4.
	Period allowed for the performance of the requisition, with date of receipt by the ameen.	5.
	Date of the execution of the order.	6.
	Amount of fees allowed.	7.
	Remarks of the ameen with date of despatch of statement.	8.
	Observations of the officer who issued the order for the performance of the duty, with date of receipt.	9.

lity observed by the ameens in the submission of their monthly reports, and the attention bestowed by the judicial officers on their examination and revision.

5. It is not intended that this report should be forwarded to the Court, who will be generally able, by reference to the state of miscellaneous business in each district, to judge whether the check in question is strictly and carefully maintained.

6. The civil judges are required to give effect to these instructions from and after the 1st proximo.

TO THE CIVIL AND CRIMINAL AUTHORITIES IN THE LOWER PROVINCES AND IN THE EXTRA REGULATION PROVINCES.

No. 89. *Lower Provinces, 25th April,* 1845.

Public officers cannot hold lands in their own districts.

I AM directed by the Court to forward to you, for your information, and for communication to the uncovenanted judicial officers subordinate to you, the annexed extract, paragraph 75, from a despatch No. 1, from the Honorable the Court of Directors, dated the 15th January last.

Para. 75. " We have repeatedly informed you, that we cannot sanction any departure from the established rule, that no officer in our service can be permitted to hold lands in any district in which he exercises civil authority.

'26. Mr. Deputy Collector Nott's memorial, praying to be allowed to purchase lands at public sales held by collectors, transferred to the Bengal Government for orders.'

TO THE CIVIL AND CRIMINAL AUTHORITIES IN THE LOWER PROVINCES AND THE EXTRA REGULATION PROVINCES.

No. 90. *Lower Provinces, 25th April,* 1455.

Civil writs for the apprehension, or personal attendance, of police officers, are to be served through the magistrate.

THE following rule of practice is established, with the sanction of the Government:

Writs for the apprehension of the person, or for requiring the personal attendance of police officers, under civil processes, are to be issued through the magistrate. This

rule will not of course apply to notices or proclamations, not requiring personal attendance, or to processes which give the party the option of appearing in person or by vakeel.

TO THE CIVIL JUDGES IN THE LOWER AND WESTERN PROVINCES.

Lower Provinces, 23d April,
Western Provinces, 26th May, } 1845.

No. 91.

Rules regarding moonsiffs quitting their stations without previously obtaining leave of absence.

SEVERAL instances of moonsiffs having left their stations without leave, having been brought to the notice of the Court of Sudder Dewanny Adawlut, and applications for leave being frequently submitted so late as to preclude the possibility of the Court's orders thereon being received before the day on which the solicited leave is to commence, the Court are pleased to direct that, except in cases of sudden and severe illness, moonsiffs shall not be permitted to quit their stations without leave. Should sudden and severe illness render a moonsiff's remaining at his post dangerous, he may be permitted to leave it, reporting the same to the judge; but, in such cases he must furnish, at the earliest opportunity, a medical certificate, which shall certify whether or no the emergency was such as to make the departure of the moonsiff, without waiting for permission, necessary to the restoration of his health. The judge will submit all such certificates for the orders of the Sudder Dewanny Adawlut, and state the period for which he would recommend leave of absence being granted to the sick incumbent, and also, what arrangement he proposes for the discharge of the duties of the moonsiff's office pending his absence.

2. The Court of Sudder Dewanny Adawlut further direct that, except in cases of sudden emergency rendering an earlier application impracticable, judges will refuse to transmit to the Court, applications for leave of absence which may not be received by them in full time to admit of the Court's orders thereon being received and communicated to the moonsiff on or before the date on which it is proposed the leave shall commence. In the event of the sudden emergency alluded to arising, judges may use their discretion in granting the leave applied for, reporting the same to the Sudder Dewanny Adawlut.

3. Moonsiffs, who shall leave their stations without permission, except as herein permitted, will render themselves liable to immediate dismissal.

4. This Circular is not to be understood as interfering with the rules in force regarding the leave of absence to moonsiffs, and others, during the Mohurrum and Dusserah vacations.

TO THE CIVIL AUTHORITIES IN THE NORTH WESTERN PROVINCES.

No. 92.

Western Provinces, the 29th April, 1845.

Attention called to rule, directing that subsistence allowance to persons, confined in execution of decrees, or other civil process, shall be deposited with the nazir.

WITH reference to an instance, recently brought to the Court's notice, of the prevalence of an illegal practice, in allowing the darogah of the civil jail to receive the subsistence allowance, payable to persons confined in execution of decrees, or other civil process, it is thought advisable to call the attention of the civil authorities to the provisions of Section 3, Regulation VI. of 1830, which expressly directs that the allowance in question shall be deposited with the nazir of the court, and to enjoin a strict observance of this rule in future.

TO THE CIVIL AUTHORITIES IN THE LOWER AND WESTERN PROVINCES.

No. 93.

Western Provinces, 29th April,
Lower Provinces, 5th September, } 1845.

Judicial officers are prohibited from holding landed property in their own districts. Present incumbents are not to be brought within the prohibition except under certain circumstances. Rule regarding persons who have landed property, or are engaged in speculations in the district to which they are nominated.

THE Courts of Suddor Dewanny Adawlut, are pleased to publish, for the information and guidance of the zillah and city judges and their judicial subordinates, an extract (paragraph 53*) of a despatch from the Honorable the Court of Directors, No. 2 of 1842, dated 23d February, and to communicate the following instructions on the subject to which it relates.

* We direct the invariable observance of the rule of the service, that no officer holding civil authority in a district shall directly or indirectly be a holder of land or be concerned in any description of speculation therein."

2. The rule prescribed in the despatch cited, has not been hitherto enforced in the judicial department, and it might perhaps be deemed a measure of unnecessary severity to give it generally retrospective effect, without enquiring as to the circumstances, character, and conduct of the parties, who might be affected thereby. With regard therefore to present incumbents in judicial office, who are already in possession of landed property, whether patrimonial, purchased, or otherwise acquired, it is not the desire or intention of the Court to exercise any interference, except where the extent of the property may be so considerable, as to give to the possessor a preponderating local influence, and induce him, for the protection of his own best interests, to engage in undertakings, and become a party to speculations and transactions, which may divert his attention from his official duties, and, at the same time, incapacitate him for their impartial and unbiassed fulfilment. In such cases, where the inconvenience and injury may be patent to common

observation, it will be the duty of the civil judges to report the circumstances for the information of the Court, and for eventual submission for the orders of Government, in regard to those functionaries, who are not subject to removal from office without the sanction of Government.

3. Further, as regards present incumbents, the Court are pleased, with the sanction of Government, to direct that the spirit of the rule proscribed by the Honorable the Court of Directors shall be observed, and that the future acquisition by those parties, of landed property by purchase, or other means, such as farm, gift, or mortgage, and speculations of every description therein, within the limits of the *district*, to which such parties, whether principal sudder ameens, sudder ameens, or moonsiffs, may belong shall be considered interdicted. It will be incumbent on the civil judges to bring to the immediate notice of the Court any contravention of this restrictive rule, which may come to their knowledge.

4. In future, as a general rule, individuals possessing landed property, whether patrimonial, purchased, or other, or being engaged in speculations therein, will be considered ineligible for appointment to judicial office, within the limits of the district in which the said property may be situated; but the civil judges need not be thereby deterred from nominating such persons, whenever the extent of land may be so small as in their estimation to render the circumstance no objection to their employment in the district to which it appertains, a discretionary power to this extent having been reserved to the Sudder Dewanny Adawlut in such cases.

5. It will not be difficult to check any contravention of the rules herein-before proscribed, by enforcing obedience to the instructions contained in the Circular Orders enumerated in the margin.*

* C. O. S. D. A. No. 135, dated 27th February 1835.
C. O. S. D. A. No. 144, dated W. P. 10th April, and L. P. 4th September 1835.
C. O. S. D. A. No. 148, dated W. P. 29th May, and L. P. 3d July 1835.

TO THE CIVIL JUDGES IN THE LOWER AND WESTERN PROVINCES.

Lower and Western Provinces, 15th May, 1845. No. 94.

Principal sudder ameens to retain with them, for six months, the records of appeals decided by them.

BY Circular Order, Sudder Dewanny Adawlut, No. 49, dated 20th September 1839, paragraph 13th, the principal sudder ameens are permitted to retain in their own custody the records of suits, exceeding rupees 5,000 in value, for a period of six months from the date of their decision, an appeal in such cases, lying direct to the Sudder Dewanny

Adawlut, under the provisions of Section 4, Act XXV. of 1837. The considerations in which this order originated, equally indicate the expediency of a similar course being pursued in regard to the records of appeals adjudicated by the principal sudder ameens, agreeably to Section 16, Regulation V. of 1831, since by Act III. of 1843, authority to hear and determine special appeals from their judgments passed in those cases, is restricted to the Sudder Dewanny Adawlut, and the Court are pleased accordingly to direct, that henceforward the papers connected with cases of the latter description, shall be retained in the office of the principal sudder ameens for six months, in case either of the parties should desire to present an application for the admission of a special appeal from their decisions.

TO THE CIVIL JUDGES IN THE LOWER AND WESTERN PROVINCES.

No. 95.

Lower Provinces, 30th May,
Western Provinces, 22d July, } 1845.

The names of all the persons for and against whom process is issued under Act XXIII. 1840, to be mentioned.

THE Court direct, with reference to an opinion expressed by the acting advocate general in a particular case, that in every process which may be issued under Act XXIII. 1840, against either property or person, the names of the parties for and against whom respectively the process may be issued, be inserted, and not merely the names of the firms or companies under which the respective parties may be associated for trade or business, except when any company may be empowered by a special law to sue or be sued in the name of an officer of their society or association.

TO THE CIVIL JUDGES IN THE LOWER AND WESTERN PROVINCES.

No. 96.

Lower and Western Provinces, 3d June, 1845.

Construction of Section 6, Regulation XV. 1806, relative to the interference of the civil court with the effects of a deceased British subject.

DOUBTS being found to exist in regard to the interpretation of Section 6, Regulation XV. of 1806, notwithstanding the exposition of that enactment, contained in Construction No. 983, dated 16th October 1835, it is thought advisable to promulgate, for the information and future guidance of the civil judges, the issue of a correspondence which has recently passed on the subject between the Courts of Sudder Dewanny Adawlut.

2d It has been concurrently ruled by both Courts, that, if a will be in existence, and be found among the effects of a deceased British subject, before the judge have formally, by the imposition of the seal of his court, received charge of the said effects, his interference is clearly barred by the terms of the enactment cited, whether trustee or executor, appointed in such will, be present on the spot or not; and that if, after the judge have taken charge of the estate a will should be discovered, and produced, it would still be obligatory on him to retain charge until probate of the said will might be obtained from the Supreme Court, whether trustee or executor, appointed by the deceased, or other party, willing to receive, and be responsible for the property, were present at the time and place of the testator's decease or not.

TO THE CIVIL JUDGES IN THE LOWER PROVINCES.

Lower Provinces, 6th June, 1845. No. 97.

Error in the Bengalee version of Section 7, Regulation VII. 1825.

THE Court of Sudder Dewanny Adawlut, for the Lower Provinces, circulate the subjoined amendment of an error in the Bengalee version of Section 7, Regulation VII. of 1825.

ইং ১৮২৫ সালের ৭ আইনের ৭ ধারা

ইঙ্গরেজী ১৮১৪ সালের ২৬ আইনের ১৫ ধারার ৮ প্রকরণেতে এ হুকুম লেখাগিয়াছে যে বিষয় বিবেশে কোন ডিক্রীর মতাচরণ করিবার নিমিত্তে যে আদালতের সাহেবকে হুকুম লিখিয়া পাঠান যায় সেই আদালতের সাহেব তৎক্ষণে ঐ ডিক্রীর মতাচরণ না করিয়া যাহার পরাজয়ে ঐ ডিক্রী করাগিয়া থাকে তাহার নিকটে এই অর্থে এক এত্তেলানামা পাঠাইবেন যে নিরূপিত অমুক মেয়াদের মধ্যে আপনার উপর ঐ ডিক্রীর মতাচরণ না করা যাওনের যে কারণ থাকে তাহা জানায় ঐ হুকুমের অর্থ আরো স্পষ্ট করিবার নিমিত্তে এই ধারাতে ইহা জানান যাইতেছে যে উপরের উক্ত হুকুমের অভিপ্রায় এই যে যেং বিষয়েতে ঐ হুকুম সম্বন্ধ রাখে সেইং বিষয়েতে তাহাই চূড়ান্ত হয় এবং ঐ বিষয়েতে ঐ আদালতের সাহেবের কোন বিবেচনা করণের ক্ষমতা না থাকে। কিন্তু কোন জনের পক্ষে

অন্যায় না হইবার নিমিত্তে এক্ষণে তদতিরিক্ত হুকুম করা যাইতেছে যে যে লোকের পরাজয়ে ঐ তিজী হইয়া থাকে সেই লোক কিম্বা সেই লোক মরিলে তাহার স্থানাভিষিক্ত যে জন ঐ তিজীর টাকাআদির দায়ী হয় সেই জন তিজীর টাকা উসুল করণ যোগ্য বস্তু স্থানান্তর কি হস্তান্তর করিতে উদ্যত আছে যদি এমত বিশ্বাস যোগ্য প্রমাণ দেওয়া যায় তবে আদালতের সাহেবদিগের এ ক্ষমতা আছে যে ইঙ্গরেজী ১৮১৪ সালের ২৬ আইনের ১৫ ধারার ৮ প্রকরণের লিখনানুসারে ঐ তিজীর মতাচরণের নিমিত্তে তত টাকার আবশ্যক হয় তত টাকার জামিন ঐ জনের স্থানে লন্ এবং জামিন না দেওয়াগেলে ইঙ্গরেজী ১৮০৬ সালের ২ আইনের ৫ ধারাতে উপস্থিতথাকা মোকদ্দমার বিষয়েতে ঐ প্রকারের নিমিত্তে যেমন২ হুকুম লেখা আছে সেই২ মতে বস্তু ক্রোক করিবার হুকুম দেন্ ইতি।

TO THE CIVIL JUDGES IN THE LOWER AND WESTERN PROVINCES

No 98

Lower and Western Provinces, 11th June, 1845

The period of thirty days allowed for appealing from moonsiffs decrees is to be computed from date of tender of decree to the parties

THE rule in Clause 3, Section 2, Regulation VII 1832, for calculating the period within which appeals are preferrible from the decisions of sudder ameens and moonsiffs, not being applicable to the decrees of moonsiffs, which are not required to be written on stampt paper, the Courts of Sudder Dewanny Adawlut for the Lower and Western Provinces have ruled, that the period of thirty days allowed for appealing from moonsiffs' decrees, shall be reckoned from the date of delivery or tender of decree to the parties

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TO THE CIVIL AUTHORITIES IN THE LOWER AND WESTERN PROVINCES.

No 99

Lower and Western Provinces, 17th June, 1845.

Rules for the preservation of the official gazettes applied to the subordinate civil courts for their use

I AM directed by the Court to annex for your information, extract (paragraph 3) of a letter from the officiating judge of Seharunpore, dated the 4th instant, and to enjoin upon you the strict and punctual observance of the plan therein described It is essential to the maintenance of uniform practice in the subordinate civil courts, that the gazettes in

which the Circular Orders issued for their guidance appear, should be regularly filed and carefully bound into annual volumes; and it is hoped that the rule now prescribed will suffice to secure this desirable object.

2. You will be pleased to inform the judicial officers subordinate to your authority, that they will be held personally answerable for the preservation of the official gazettes supplied by Government for their use, and that they will be required to replace those numbers of the gazette which may be found, on examination at the end of each year, to have been injured, defaced, or mislaid.

Extract (paragraph 3) of a letter from the officiating judge of Seharunpore, dated 4th June 1845, No. 104.

Para. 3d. I am induced to think that the Agra Government gazettes, in which these Circular Orders appear, are very irregularly kept and filed by the moonsiffs, and propose to require an acknowledgment in future, at the expiration of each month, that the gazettes forwarded to, have reached them, and in future at the expiration of the year to require (as is usual with tehseeldars) that they be sent in to me for inspection, that the file is complete, and that they have been properly bound, and kept, and have called for those of previous years to ascertain this point.

TO THE CIVIL AUTHORITIES IN THE LOWER AND WESTERN PROVINCES.

Lower and Western Provinces, 2d July, 1845.

No. 100.

Construction of Section 5, Regulation IV. 1793 and Regulation III. 1803, declaring it to be discretionary with the judicial authorities to admit a replication even though it be not presented "on the next court day."

IT being believed that much diversity of opinion exists, in regard to the Construction of that part of Section 5, Regulation IV. of 1793, (corresponding with Section 5, Regulation III. of 1803,) which enacts that "when the defendant shall have delivered in his answer to the complaint, the plaintiff shall reply to it on the *next court day*," the Court are pleased to intimate, for general information, that the terms above cited have been held, by the majority of the two Courts of Sudder Dowanny Adawlut, to leave it discretionary with the judicial authorities to admit a replication, even though it be not presented "on the next court day," or, in other words, that, while the law directs the delivery of the replication *on* the next Court day, it does not absolutely *inhibit its* reception *thereafter*, provided that it be filed within the period of six weeks, in default of which the suit will of course be liable to dismissal under the imperative provisions of Act XXIX. of 1841.

TO THE CIVIL JUDGES IN THE LOWER PROVINCES.

No. 101. *Lower Provinces, 3d July, 1845.*

Rules regarding cutcherries for moonsiffs

I AM directed by the Court to transmit to you, for your information and guidance, a copy of the orders of Government, No. 1113 of the 18th ultimo, and of the correspondence therein alluded to, regarding cutcherries for moonsiffs.

From the Government of Bengal to the Court, No. 1113, dated the 18th of June, 1845.

I am directed to forward, for the purpose of being laid before the Sudder Court, copy of the correspondence as per margin* on the subject of providing moonsiffs with cutcherries at the expense of the state.

* Letter No. 893, of 21st May 1845, to Secretary to Government of India, Home Department, letter No. 399 of 31st ditto, from Under Secretary to the Government of India.

2. In order that immediate effect may be given to the sanction conveyed in Mr. Under Secretary Melville's letter of the 31st ultimo, the Court are requested to inform the moonsiffs, through the zillah judges, that the Government are prepared to purchase the present cutcherries as they stand, at a price not exceeding rupees 75 each, provided the judges are satisfied, after due enquiry, that the buildings are worth that sum, or any lesser amount which the proprietors may report to have been expended in their construction.

3. The judges are authorized to pass in future in their office contingent bills, charges not exceeding one-fourth of the above sum (75 rupees) for the annual repairs of each moonsiff's cutcherry; charges not exceeding one half, where the repairs are made after an interval of two years, and so on. In the event of the total destruction of a moonsiff's cutcherry by fire or other accident, the case must be reported to Government.

4. It is to be understood that these orders are not applicable to moonsiffs who already hold their courts in public buildings or in their own private dwellings. The latter officers should be allowed to draw on the district treasuries any sums not exceeding rupees 75 for the purpose of erecting new cutcherries apart from their dwelling houses.

5. Every moonsiff, on taking charge of his office, should be required to report to the judge, the state in which his predecessor has made over the cutcherry to him.

(Signed) A. TURNBULL,
Under Secy. to the Govt. of Bengal.

From the Government of Bengal to the Government of India, No. 893, dated the 21st of May, 1845.

I am directed by the Right Honorable the Governor of Bengal to request you will submit, for the consideration of the Supreme Government, the following observations on the present practice of requiring moonsiffs to build and repair their cutcherries at their own expense.

2. The anomaly of expecting moonsiffs with very moderate allowances to defray such charges from their private funds, whilst the well remunerated higher grades of native judges are provided with offices erected and kept in repair at the expense of the state, is so apparent, that the Governor of Bengal does not apprehend the justice of putting the moonsiffs on an equality in this respect with their more fortunate brethren, will admit of dispute.

3. Should the Government of India concur with his excellency as to the propriety of the measure, the expense of introducing it in the Lower Provinces, I am desired to state, will in the first instance probably amount to rupees 16,000, or rupees 17,000, and for the future to about 25 per cent of that outlay per annum for repairs.

(Signed) A. TURNBULL,
Under Secy. to the Govt. of Bengal.

From the Government of India to the Government of Bengal, No. 399, dated the 31st May, 1845.

I am directed to acknowledge the receipt of your letter No. 893, dated the 21st instant, and in reply to state, that the Governor General in Council, concurring in the views entertained by the Right Honorable the Governor of Bengal as to the propriety of providing moonsiffs with cutcherry accommodation, like the higher grades of native judges at the expense of the state, is pleased to authorize the measure being introduced into the Lower Provinces, the expense attending which is estimated by the Right Honorable the Governor of Bengal at from 16 to 17,000 in the first instance, and for the future at about 25 per cent. of that outlay per annum for repairs.

(Signed) P. MELVILL,
Under Secy. to the Govt. of India.

TO THE CIVIL JUDGES IN THE NORTH WESTERN PROVINCES.

No. 102.

Western Provinces, 14th July 1845.

Declares Circular Order Sudder Dewanny Adawlut, Lower Provinces, No. 112, dated 1st August 1834, applicable to the North Western Provinces, and intimates the extension of its operation to the end of 1832, also declares Circular Order No. 81, of 1st February 1833, applicable to all records of the moonsiffs' courts, which have accumulated between 1820 and end of 1832, excepting exciptendis, and adds instructions regarding the mode of their destruction

THE Court, having from time to time received various applications for permission to destroy the old and useless records of the zillah and city courts, are pleased, under the sanction of Government, to declare Circular Order, Sudder Dewanny Adawlut, Lower Provinces, No. 112, dated 1st August, 1834, applicable to the North Western Provinces, and to extend its operation to the end of 1832, merely observing, that the civil judges are at liberty to exercise their discretion in preserving any particular records or papers, included in the list appended thereto, which may be thought to possess a permanently useful or interesting character. In like manner, Circular Order, Sudder Dewanny Adawlut, No. 81, dated 1st February, 1833, is hereby declared applicable to all records of the moonsiffs' courts, which may have accumulated between the year 1820 and the end of 1832,—an exception being made in favor of all such records, as relate to suits for real or landed property, and to appeals from the decisions passed by the moonsiffs in suits of that nature.

2. In preference to burning these records, the Court direct, that, after removal of the seals and signatures of public officers, they be torn up in such manner and under such precautions, as may prevent the possibility of their being applied to improper or unlawful purposes, and sold for the benefit of Government to paper manufacturers, or others, who may be found willing to purchase them: the removal of seals and signatures should be carried into effect under the careful supervision of some trustworthy person, who must be held responsible for its due fulfilment.

3. It will be understood, that the precautions, prescribed by paragraph 2, of Circular Order, No. 81, dated 1st February, 1833, are to be invariably observed on all occasions of the nature of that, to which these instructions have reference.

TO THE CIVIL JUDGES IN THE LOWER PROVINCES.

No. 103.

Western Provinces, 14th July, } 1845.
Lower Provinces, 5th September, }

The Sudder Courts have been empowered to authorise civil judges to make inspectional tours within their respective

THE Courts of Sudder Dewanny Adawlut having been vested by Government with the discretionary power of authorizing civil judges to make inspectional tours within the limits of their respective districts, whenever such may appear advisable, are pleased

districts. Report to be made with statements of pending business for the Court's sanction. The results to be reported for the Court's information.

to give public intimation of the same, and to direct, that, whenever a civil judge may consider it expedient to visit each or any of the mofussil courts subordinate to him, he will submit a report explaining the considerations, or circumstances, that may have suggested it, the object which it is proposed to effect, and the probable duration of his contemplated absence. On receiving such an application the Court will be generally prepared to accede to the same with the understanding that, on the completion of such inspectional tour, the judge will report fully on all matters connected with the character, conduct, and qualifications of the moonsiffs, with their mode of conducting business, and with the condition of their offices, so far as opportunity of forming a judgment on these points shall be afforded to him.

2. In forwarding applications of the nature adverted to, the civil judges will be expected to annex a statement of the business, both regular and miscellaneous, pending in their courts, and a memorandum, shewing the number of commitments and criminal appeals awaiting decision at the date of such application.

Advantage to be taken of the established vacations for making inspectional tours.

3.* It will probably occur to all the judges that the periods of the dussera and mohurrum vacations, during which the civil courts are adjourned agreeably to law, will, in admitting of their accomplishment without prejudice to the judicial operations of the zillah court, afford the most favorable and convenient opportunities for the inspectional tours, contemplated by this order, and that, if it be needful, the moonsiffs, whose jurisdictions are to be comprised in such tours, may be detained at their respective posts, the leave of absence usually granted for those vacations being on such occasions withheld.

TO THE CIVIL AND CRIMINAL AUTHORITIES IN THE NORTH WESTERN PROVINCES.

Western Provinces, 22d July, 1845. No. 104.

Civil and criminal authorities desired to refer applicants for copies of Court's order to the Court, instead of granting copies asked for. See C. O. No. 114, 17th November following.

THE Court desire, that whenever applications may be made to the civil or criminal authorities for copies of any letters from, or orders passed by them, they will refer the applicants to the Court, instead of granting the copies asked for.

2. This rule is not to be considered to apply to the sentences of the Nizamut Adawlut in criminal trials.

* The 3d paragraph was not issued by the Calcutta Court.

TO THE CIVIL AND SESSION JUDGES IN THE LOWER PROVINCES.

No. 105. *Lower Provinces, 25th July,* 1845.

Rules regarding examination of candidates for the situation of law officer and forms of certificates.

UNDER the orders of Government, dated the 16th instant, the instructions addressed to Lieutenant Colonel Riley, examiner of candidates for the situation of law officer, together with the forms of certificates therein alluded to, are circulated for general information.

From the Under Secretary to the Government of Bengal to the Secretary to the Law Examination Committee, under date the 16th July, 1845.

"With reference to my letter No. 840, of the 14th May last, I am directed to request that the future examination of candidates for the situation of Hindoo or Mahomedan law officer, may be conducted by yourself and the Pundits of the Hindoo College for Hindoos, and in like manner by yourself, and the Mahomedan law professors of the Muddrussa for Mahomedans, as proposed in your letter of the 22d April last, No. 27.

"The certificates granted to passed candidates will be in the forms A or B, prescribed in the Appendix to Regulation XI. 1826, modified as follows, and attested with your signature, as examiner of candidates for the situation of law officers.

"APPENDIX A.

"I hereby certify that, at an examination held at the Presidency of Fort William, on the according to the provisions of Regulation XI. of 1826, and Act V. of 1845, A. B. was found to be qualified by his eminent knowledge of the law to hold the office of law officer in any of the established courts of judicature.

This certificate has been granted to the said A. B., under the seal of the College, this day of in the year of corresponding with the

(Signed) C. D.,

Examiner of Candidates for the situation of Law Officer."

" APPENDIX B.

" I hereby certify that, having duly considered the proceedings held on the examination of A. B., conducted according to the provisions of Clause 3, Section 5, Regulation XI. 1826, and Act V. of 1845, I consider the said A. B. to be duly qualified by his knowledge of law to hold the office of law officer in any of the established courts of judicature.

This certificate has been granted to the said A. B., under the seal of the College, this day of in the year of corresponding with the .

(Signed) C. D.

Examiner of Candidates for the situation of Law Officer."

TO THE CIVIL AND SESSION JUDGES IN THE LOWER PROVINCES.

Lower Provinces, 25th July, 1845.

No. 106.

Officers of Government are exempted from the payment of ferry tolls when proceeding on the public service.

IN pursuance of the orders of the Government, (dated the 9th instant,) the following copy of a letter (No. 459, of the 28th ultimo,) from the Under Secretary to the Government of India in the Home Department, exempting all Government officers from the payment of ferry tolls when proceeding on the public service, is circulated for general information.

From the Under Secretary to the Government of India in the Home Department to the Under Secretary to the Government of Bengal, under date the 28th June 1845.

" I am directed to acknowledge the receipt of your letter No. 981, dated the 28th ultimo, with its enclosure, and in reply to state, for the information of the Right Honorable the Governor of Bengal, that the Governor General in Council approves of the proposition submitted by Mr. Dampier, superintendent of police, Lower Provinces, and authorizes that all officers of Government be exempted from the payment of ferry tolls within the division to which they may belong, when they are moving in those divisions on the public service, and any officer not entitled to exemption under this definition of the rule, who may prefer a claim to exemption based on the principle which the rule is intended to establish, will refer his claim, for special consideration and orders, to the department to which he belongs."

TO THE CIVIL JUDGES IN THE LOWER AND WESTERN PROVINCES.

Lower Provinces, 25th July, }
Western Provinces, 5th September, } 1845.

No. 107.

Circular Order, No. 44, 29th Sept. 1820, superseded by paragraph 6, of Circular Order, No. 29, 11th June 1839.

THE Court declare, for general information, that paragraph 6, of the Circular Order No. 29, of the 11th January 1839, which requires that in actions for real property the mesne profits, unless relinquished, shall be included in the amount at which the suit is laid, supersedes the Circular Order No. 44, of the 29th September 1820, which made the determination of the value of a suit, dependant altogether on the sudder jumma.

TO THE SEVERAL CIVIL AND SESSION JUDGES IN THE LOWER PROVINCES.

Lower Provinces, 15th August, 1845.

No. 108.

Modification of the orders of Government, regarding travelling allowances to ministerial officers, communicated by the Circular Order, No. 50, 20th Sept. 1839.

THE Court circulate the following extract (paragraph 1) from the orders of Government, No. 1360, of the 30th ultimo, for the information and guidance of the several civil and session judges under their control.

Extract (paragraph 1) from a letter from the Government of Bengal to the Court, No. 1360 *of the* 30*th July* 1845.

Para. 1. "With reference to your predecessor's letter No. 565, of the 19th April 1844, I am directed to state, for the information of the Sudder Court, that the Government have been pleased, in modification of the orders of 29th August 1839, to authorize travelling allowance to ministerial officers, when required to accompany their superiors by dawk, at the rate of 4 annas per mile, and during halts at the rate authorized by the above orders, viz.—3-10ths of their respective salaries. In other respects the orders of 29th August 1839, are to continue in force."

TO THE CIVIL JUDGES IN THE LOWER AND WESTERN PROVINCES.

Lower Provinces, 15th August, }
Western Provinces, 22d October, } 1845.

No. 109.

Ameens under Act I. 1839, not to hold the office of ameen under the Circular Order, No. 197, 13th Jany. 1837.

THE Court are pleased to direct that, if the practice of appointing to the office of ameen, under the Circular Order No. 197, of 13th January 1837, persons who hold the situation of ameens under Act I. 1839, obtains in your district, it be discontinued, as they consider the junction of the two offices to be calculated to retard execution of the orders of the civil courts.

TO THE CIVIL JUDGES IN THE LOWER AND WESTERN PROVINCES.

Lower and Western Provinces, 27th August, 1845. No. 110.

Correction of an error in the Circular Order, No. 33, 13th Sept. 1843.

THE Court request that an error detected in the 2d paragraph of their Circular Order, No. 33, dated 13th September 1843, may be corrected, by the insertion, after the word "accordingly," occurring in the 6th line of the printed edition, of the words "or to dismiss the suit, as the case may be."

TO THE CIVIL AUTHORITIES IN THE LOWER AND WESTERN PROVINCES.

Lower and Western Provinces, 5th September, 1845. No. 111.

Rule of practice regarding the issue of notification to heirs of deceased parties in suits, to enable them to avoid the penalty of dismissal, attaching under Act XXIX. 1841, to absence of plaintiff or appellant, or to default in prosecution.

SECTION 1, Act XXIX. of 1841, enacts that a "suit or appeal shall be dismissed, as of course, after the expiration of six weeks, without any proceeding on the part of the court or of the defendant or otherwise, or assignment of any reasons, unless the plaintiff, or appellant, or *his representative in case of his death*, upon special application, shall have *previously* satisfied the court of the propriety of allowing further time."

2. The Courts of Sudder Dewanny Adawlut, for the Lower and North Western Provinces, having had occasion to deliberate as to the force of these expressions, the majority are of opinion, that while they are unambiguous in requiring the representative of a deceased plaintiff or appellant, previous to the expiry of the six weeks in which a certain prescribed act is to be performed, to move the court for an extension of that limited period; and while they admit of no interpretation, by which an intermediate act on the part of the court, notifying to the heirs the fact of the decease of the plaintiff or appellant, can by implication be held to be required, they are not actually *prohibitory* of the court doing of its own mere motion, *previous* to the expiry of the six weeks aforesaid, such act of procedure, as the general powers of the court enable it to do.

3. The majority of the two Courts further observe, that, in so far as "dismissal on default" is enacted as a penalty on the defaulter, it is not just that that penalty should be inflicted in cases where there exists a moral and physical impossibility of avoiding it, viz. when the date of the plaintiff's or appellant's decease is so near the date when default would occur, and the heir or representative at the same time so distant from the place, where the decease took place, as to render it an impossibility that he should fulfil the

law's requirements. The right of appeal would thus, in numerous instances, be lost altogether, and manifest injustice be done by the law. But it is a maxim that law never enacts an impossibility, and the Court therefore conceive it imperative upon them, in pursuance of their legal privilege to act according to justice, equity, and good conscience, to prevent the injustice, that would be involved in the infliction of a penalty for failure to perform an impossible act, by the institution of a rule of procedure, fitted at least to remove the impossibility of the heir of a deceased party being in court, if he be desirous to prosecute the suit.

4. The Court are pleased, therefore, to prescribe the following rule of practice for the guidance of all the judicial authorities, and to intimate, for general information, that it will be followed in the Sudder Dewanny Adawlut henceforth.

1stly. Whenever it may be certified to a zillah or city judge, principal sudder ameen, sudder ameen, or moonsiff, that a plaintiff or appellant, in any original suit, or appeal, pending in the court of such zillah or city judge, or principal sudder ameen, sudder ameen, or moonsiff, has deceased, the presiding officer of such court shall be at liberty, if he deem it just and proper, to notify the fact in a publication to be affixed in his own cutcherry, and in the cutcherries of all the judicial authorities and the collector of the district. The publication shall contain a statement of the several depending cases, in which such plaintiff or appellant was a party, and an intimation to his heirs or representatives, that, unless they attend either in person or by vakeel for the prosecution of the depending suit or appeal before a certain day, to be fixed and named in the publication, not being more than six weeks from its date, such suit or appeal will be dismissed on default, under the provisions of Section 1, Act XXIX. of 1841.

2ndly. The above rule of practice shall be considered equally applicable to appeals, pending in the Court of Sudder Dewanny Adawlut, with the exception, that the publication therein prescribed shall, in such cases, be affixed in the cutcherry of the Sudder Court, and in the cutcherries of the several judicial authorities included in the district or districts from which the depending appeals may have been received, and that the zillah and city judges shall, on receipt of a precept to that effect, cause the said publication to be duly affixed in the places appointed, and certify, with all practicable expedition, the due fulfilment of such order for the satisfaction of the Court.

5. A form of publication is annexed for general use, and the civil judges are informed, that lithographed forms of the same may be indented for on the Government Lithographic Press.

نمونه اشتہار بعرض اعلان خبر فوت بعضے از متخاصمین مقدمه

حکم اشتہار عدالت دیواني فلان اینکه

واسطے حاضري قایم مقام شخص متوفی کے جسکا نام فہرست مصرحۂ ذیل مین مندرج ہی خبر فوت شخص مذکور اور ضروري حاضري قایم مقام اُسکے ہي شہرت دیجاتی ہی جو کوئي کہ ادعاے وراثت اور قایم مقامي اور استحقاق پیروي مقدمه کا بجاے متوفی مذکور کے رکھتا ہو اُسکو چاہئے کہ قبل تاریخ معینه کے عدالت مذکورۂ بالا مین اصالتاً یا بذریعۂ وکیل یا مختار حسب ضابطه کے حاضر ہو کے لوازم پیروي مقدمه عمل مین لاوے ورنصورتیکه مابین میعاد مذکورہ حاضر نہوگا یا بحالت حاضري مابین اِس مہلت کے جو از تاریخ حاضري حسب قانون اُسکو حاصل ہو امور واجب التعمیل کو سرانجام نه کریگا تو جو حکم که اجرا اُسکا بحالت پیروني مقدمه از جانب متوفی مذکور از روي قانون ضابطه عدالت کے منا ہیت ہونا صادر ہوگا اور بعد اُسکے کوئي عذر دعویدار قایم مقامي متوفی مذکور کا مسموع نه کیا جایگا

نمبر مقدمه	نام متخاصمین	بیانشي دعوي	اشیاے اشخاص	تاریخ معینه جسکا
نمبر ۳۴	زید وعمرو غیرہ اپیلانتان رسپانڈنتان احمد ومحمود وغیرہ	بابت زرنقد از روي تمسک	متوفی بقید لفظ مدعي یا اپیلانت یا رسپانڈنت	ذکر متن اشتہار مین مندرج ہی دوسري فبروري سنه ۱۸۴۴ع مطابق فلان روز فلان

TO THE CIVIL AUTHORITIES IN THE LOWER AND WESTERN PROVINCES.

No. 112. *Lower and Western Provinces, 14th November, 1845.*

Paragraph 2, and part of paragraph 1, of Construction 1153, rescinded.

THE Courts of Sudder Dewanny Adawlut, having reconsidered the terms of Sections 2 and 3, Regulation VI. of 1813, are pleased to rescind paragraph 2 of Construction No. 1153, and such part of paragraph 1 likewise as rules, either directly or by implication, that when the agreement to abide by the award of arbitrators may be disputed, the summary jurisdiction of the civil court is barred, and to notify that only so much of the Construction in question now remains in force, as declares the execution of written bonds of arbitration supererogatory under the provisions of Section 3, Regulation VI. of 1813.

TO THE SEVERAL CIVIL JUDGES IN THE LOWER AND WESTERN PROVINCES.

No. 113. *Lower and Western Provinces, 17th November 1845.*

Rules regarding remuneration of, and security demandable from, moonsiffs' nazirs.

THE following rules regarding the remuneration of moonsiff's nazirs, and the amount of security to be demanded from them, are established for general observance:

2. The sole remuneration of nazirs of the moonsiffs' courts will consist in a fourth of the amount of tulubana, leviable under the provisions of Clause 8, Section 14, Regulation XXVI. of 1814, extended to those courts by Act XIV. 1845.

3. The amount of security to be demanded from those officers, is fixed at rupees 1000; but this sum is liable to enhancement or reduction, according as enquiry and experience may show to be expedient.

TO THE SEVERAL CIVIL AND CRIMINAL AUTHORITIES IN THE NORTH WESTERN PROVINCES.

No. 114. *Western Provinces, 17th November, 1845.*

Circular Order, No. 104, 22d July last, modified.

THE Court direct that the instructions contained in the 1st paragraph of their Circular Order, No. 104, dated 22d July last, be, and be considered, applicable only to copies of letters, resolutions, and other orders, recorded in the English language.

TO THE CIVIL JUDGES IN THE NORTH WESTERN PROVINCES.

Western Provinces, 20th November, 1845.

No. 115.

Instructions on the subject of providing cutcherry accommodation for the moonsiffs at the public cost.

WITH reference to orders, recently received from Government, authorizing the provision of cutcherry accommodation for the moonsiffs in the North Western Provinces at the public cost, the Court desire, that the judges of the several districts, in which the subordinate civil jurisdictions have been revised, agreeably to the instructions contained in the Resolution of Government, dated 30th October 1837, and Circular Order, Sudder Dewanny Adawlut, No. 56, dated 14th May 1844, will inform the moonsiffs, that the Government are prepared to purchase the present cutcherries, as they stand, at a price not exceeding rupees 75 each, provided the judges are satisfied, after due enquiry, that the buildings are worth that sum or any lesser amount, which the proprietors may report to have been expended in their construction.

2. The Court are pleased further, with the sanction of Government, to intimate that the civil judges, as above particularized, are authorized to pass in their contingent bills, charges, not exceeding one-fourth of the said sum (rupees 75,) for the annual repairs of each moonsiff's cutcherry, and not exceeding one-half, where the repairs may be required after an interval of two years, and so on. In the event of the total destruction of a moonsiff's cutcherry by fire, or other accident, the case must be reported to the Court, for the eventual information and the orders of Government.

3. The civil judges will be pleased to observe that these orders are not applicable to moonsiffs, who hold their courts in public buildings, or in their own private dwellings: those in the latter predicament, (believed to be few in number in these Provinces) should be either provided with office accommodation at the cost above sanctioned, or allowed to draw on the district treasuries for any sum not exceeding rupees 75, for the purpose of erecting new cutcherries apart from their dwelling houses.

4. Every moonsiff, on taking charge of his office, should be required to report to the judge the state in which his predecessor may have made over the cutcherry to him; this report should be countersigned by the latter, whenever this may be practicable, in token of his admission of its correctness.

5. It is only necessary to add, that this Circular Order, though now applicable only to those districts, of which the subordinate civil jurisdictions have undergone revision, is to be considered to extend to each zillah, as soon as such revision shall have been completed, conformably with the resolution of Government, dated 30th October 1837, and shall have received the confirmation of the Court and Government.

TO THE SEVERAL CIVIL JUDGES IN THE LOWER AND WESTERN PROVINCES.

No. 116.

Lower Provinces, 5th
Western Provinces, 27th } *December*, 1845.

Enumeration of the descriptions of miscellaneous cases transferable to principal sudder ameens. A revised form of statement No. 2 prescribed.

IN modification of former orders,* regarding the descriptions of miscellaneous business referrible to principal sudder ameens, under Section 8, Act XXV. 1837, the Court authorize the transfer to those officers, at the discretion of the judges, of the undermentioned miscellaneous cases.

No. 13. Petitions from paupers on the point of pauperism, under Section 5, Regulation XXVIII. 1814.

No. 14. Petitions from insolvents, under Section 11, Regulation II. 1806.

No. 15. Petitions for the redemption and foreclosing of mortgages, under Section 2, Regulation I. 1798, and Section 8, Regulation XVII. 1806.

No. 16. Applications for the execution of decrees, under Section 15, Regulation XXVI. 1814.

No. 17. Petitions from parties praying for reversal of sales, or objecting to orders passed on the execution of decrees, under Clauses 3, 4 and 6, Section 3, Clauses 4 and 5, Section 4, and Clause 1, Section 5, Regulation VII. 1825, and petitions of every other nature connected with the execution of decrees.

No. 18. Cases of resistance of process, whether in execution of decrees or otherwise.

No. 19. Applications for the execution of awards of arbitrators, under Clause 2, Section 3, Regulation VI. 1813.

2. The Court at the same time direct the use of the accompanying revised form of statement No. 2, from the first January next. The alterations made in this statement are such as have been called for by the abrogation of former laws and by the enactment of others for extending the jurisdiction of the native judges. The mention of the laws relating to each class of cases will obviate doubts as to the heading under which any given order is to be entered; while the asterisks inserted in the columns for the principal sudder ameens, opposite to headings other than those specified in paragraph 1, will prevent the transfer through inadvertence of any other cases than those above indicated as referrible.

* Circular Order for Lower Provinces, No. 133, 15th January 1841, 5th rule. Circular Order for Western Provinces, No. 148, 10th April 1841, No. 1215, 15th July 1845.

TO THE CIVIL JUDGES IN THE LOWER PROVINCES.

Lower Provinces, 12th December, 1845.

No. 117.

The appointment of registers of deeds rests with the Government, to whom vacancies are to be reported. C. O. No. 36, 23d Dec. 1831, and No. 199, 24th Feb. 1837, cancelled. See C. O. No. 123, *post.*

IN pursuance of the instructions of the Government, the Court intimate that the Government alone have the power of permanently appointing registers of deeds, whether in zillahs, under the provisions of Regulation XXXVI. 1793, or at subordinate stations, under Act XXX. 1838, and that the judges must, in every instance of a vacancy in the office of register of deeds, notify the same to Government, that the appointment may be filled up.

2d. The Circular Orders No. 36, of the 23d December 1831, and No. 199, of the 24th February 1837, are cancelled.

TO THE CIVIL JUDGES IN THE LOWER PROVINCES, &c.

*Lower Provinces, 5th December, 1844.**

No. 118.

Rule for the preservation of books supplied for the use of the uncovenanted judges.

THE uncovenanted judges are expected to preserve carefully the books supplied to them, and, in taking or giving over charge of office, to forward to the judge a certificate of the condition in which the books may be at the time. In the event of the books being damaged, the officer delivering over charge is to be held responsible, and called upon to replace them.

TO THE CIVIL AUTHORITIES IN THE NORTH WESTERN PROVINCES.

Western Provinces, 1st January, 1846.

No. 119.

Declares Cons. 890 to have currency in the Lower Provinces only.

CONSTRUCTION No. 890, dated 11th July 1834, having reference to a class of agriculturists, known in the Bengal division of this Presidency by the name of *jotedar*, the rights and interests enjoyed by whom are not either specified or defined, the Court of Sudder Dewanny Adawlut for the North Western Provinces desire that it be in future considered to have currency and application only in the Lower Provnces.

* This circular, issued on the occasion of the uncovenanted judges being supplied with Marshman's Civil Guide, in Bengalee and Persian, was not inserted in its proper place.

TO THE CIVIL AND SESSION JUDGES AND MAGISTRATES IN THE LOWER PROVINCES.

No. 120. *Lower Provinces, 9th January,* 1846.

Civil officers, countersigning plans and other documents relating to public works, are not responsible for any statements contained in them, but may offer any remarks they consider necessary regarding public works connected with their respective departments Papers sent to them not to be unnecessarily detained, and dates of receipt and return to be noted on them

PURSUANT to the orders of Government of the 17th ultimo, I am directed by the Court to forward to you, for your information, copy of a letter No. 2207, of the 17th idem, addressed by the Under Secretary to the Government of Bengal to the Military Board.

From the Government of Bengal to the Military Board, No. 2207, *dated the* 17*th December,* 1845.

It was deemed advisable to invite the opinions of the civil authorities before coming to a final determination in regard to Lieutenant Colonel Garstin's suggestion for amending the existing system of countersignature, by civil officers, of plans and other documents relating to public works, and I am now directed by the Deputy Governor of Bengal to state, for the information of your Board, that the majority of the officers so consulted concur in the view expressed in your letter No. 8243, of the 18th April last, as to the expediency of allowing such officers an opportunity of offering remarks regarding public works, connected with their respective departments.

2. Such a check, His Honor doubts not, is useful, especially in regard to works executed at stations seldom visited by the executive engineers. Adverting, however, to the misapprehension so generally prevalent among civil officers in regard to the object of countersignatures (which are deemed by some as implying a tacit approbation or confirmation of the statements contained in the documents to which they are affixed,) His Honor desires that the present mode of obtaining such attestations be discontinued, and that a separate heading be introduced in all documents requiring countersignature for the remarks, if any, of civil functionaries, and, when they have none to make, for the simple record of the fact. But whether any observations are recorded by civil officers or not, they will be given to understand distinctly, that no papers are to be unnecessarily detained by them, and, for the purpose of ascertaining upon whom the blame of delay may rest, the executive engineers should be required invariably to note the dates of despatch, and civil officers those of receipt and return.

3. Orders to this effect will be issued to the heads of departments under this Government, and your Board are requested to address corresponding instructions to the executive engineers within the same circle.

TO THE CIVIL JUDGES IN THE LOWER PROVINCES.

Lower Provinces, 9th January, 1846.

No. 121.

Moonsiffs are not to leave their records in the thannas, but in charge of their amlah, and, at the vacations, in sealed boxes placed under charge of peons.

THE Court have reason to believe that it is the practice of moonsiffs to deposit their records at the nearest thannahs, when they are absent from their stations, during the vacations, or at any other time. As this is an objectionable practice, the Court are pleased to direct that, except at the vacations, moonsiffs, who are about to avail themselves of leave of absence, will leave their records in the custody of their umlah; and that at the vacations, when the umlah are permitted to go to their homes, they will pack up the records in boxes, sealing the boxes in the usual manner, and placing a guard of peons over the cutcherry during their absence.

TO THE CIVIL AUTHORITIES IN THE LOWER AND WESTERN PROVINCES.

Lower and Western Provinces, 23d January, 1846.

No. 122.

Explains the kind of written applications, which entitles a party to a refund of stamp duty, under Article 10, Schedule B, Regn. X. of 1829.

A DOUBT having arisen as to the admissibility of a claim to restitution of the stamp duty, levied on plaints and petitions of appeal, in cases in which the plaintiff, or appellant, may file a "bazdaweh," the Court request the attention of the civil authorities to the following remarks.

2. It has been sometimes argued, that a "bazdaweh" and razeenameh, or soolehnameh, having the same effect of removing the pending suit from the file of the court, must be considered identical for all the purposes contemplated by Article 10, Schedule B, Regulation X. of 1829, or in other words, that, whether the instrument represent the act of one party, as a "bazdaweh," or of both parties to the suit, as a soolehnameh, rufunameh, or razeenameh, would do, it will equally entitle the party delivering it to refund of stamp duty.

3. The majority of the two Courts of Sudder Dewanny Adawlut, however, observe, that the adjustment mentioned in Article 10, Schedule B, Regulation X. of 1829, and Section 2 of Regulation XIII. of 1810, implies an *amicable settlement of the claim by the mutual consent of both parties,* and that, consequently, a "bazdaweh," if its terms purport simply a withdrawal of the claim, or appeal, on the part either of plaintiff, or appellant, cannot be held to confer upon the party delivering it a right to reimbursement in the amount of stamp duty, levied on the plaint or petition of appeal. It may be added

in support of the above distinction, that though the document designated a razeenamch *may be executed* by one party, it should imply some act of concession or consent on the part of his adversary, and cannot, in the absence of such act of concession, or mutual agreement, be deemed a *bond fide* instrument of the kind denoted. By a "soolehnameh" and "rufunameh," also, the Court understand an instrument requiring and bearing the acknowledgment and verification of both parties to the suit, which would ordinarily entitle the plaintiff, or appellant, to a refund of the stamp duty.

4. The Court desire by the foregoing observations to intimate that a written application, under whatever denomination, notifying an "adjustment" of the point in dispute, that is to say, an amicable settlement thereof by the mutual consent of both parties, provided such document bear the acknowledgment and verification of both parties to the suit, is sufficient to entitle the party, presenting it, to the benefits of Article 10, Schedule B, Regulation X. of 1829.

5. The authorities, who may presume that this point has been already ruled by Construction No. 977, will be pleased to observe, that the term "dustburdaree," occurring therein, signifies a verbal relinquishment of the claim, and not any written instrument of the nature of a "bazdaweh."

TO THE CIVIL JUDGES IN THE LOWER PROVINCES.

No. 123. *Lower Provinces, 27th February,* 1846.

Circulating orders of Government explanatory of the principles on which registers of deeds should be nominated; and noting the descriptions of persons eligible to the office constituted by Act XXX. 1838, and to the office at sudder stations constituted by the Regulations.

IN continuation of the Circular Order No. 117, of the 12th December 1845, I am directed by the Court to transmit to you, for your information and guidance, the accompanying copy of a letter (No. 178, of the 28th ultimo,) from the Secretary to the Government of Bengal, explanatory of the principles which should guide the zillah judges in selecting persons for the office of register of deeds.

2. You are requested to observe, however, that, although any person whatever may be appointed to the office of register of deeds, constituted under Act XXX. 1838, none but covenanted servants and principal sudder ameens are eligible to the office at sudder stations, constituted under the previous regulations; therefore, in nominating persons to the Government for the situation of register of deeds, the description of office which has become vacant should be specified.

From the Secretary to the Government of Bengal to the Officiating Register of the Sudder Court, dated 28th January, 1846.

With reference to the recent correspondence with the Sudder Court, on the subject of the appointment of registers of deeds, and to several applications from zillah judges on that subject, which are now before His Honor, I am directed to request that the Court will take an opportunity of instructing the zillah judges that they should be guided in their nomination of officers to fill vacant registerships by comparative fitness of the candidates who may present themselves for selection, without regard to any other consideration.

2. It is, in His Honor's opinion, of much consequence that the office of register should not be liable to frequent change of incumbents; and, for this reason, the civil surgeon of a station would usually be a fitter candidate than the covenanted assistant. On the other hand the civil surgeons do not always possess sufficient knowledge of the native languages to discriminate between different sorts of deeds presented for registry, and on this ground it may sometimes happen that the covenanted assistant is a fitter candidate than the civil surgeon. But there may be at a station individuals, in or out of the service, fitter than either the civil surgeon or the assistant to the magistrate; and when this is the case, and the law may admit of it, the Deputy Governor would not desire that the choice of the judge should be confined to officers in the service, or to any particular branch of the service.

3. The judges should therefore, in reporting their nominations to Government, explain always that they have adverted to these considerations in making their selections.

TO THE CIVIL AND CRIMINAL AUTHORITIES IN THE LOWER AND WESTERN PROVINCES.

No. 124.

Lower and Western Provinces, 13th March, 1846.

Cases of forgery brought to light in the course of judicial proceedings in the civil and criminal courts, are to be dealt with according to the rules prescribed for cases of perjury. This rule is not to prevent prosecutions in the magistrate's court for forgery irrespective of judicial proceedings.

CONSTRUCTIONS Nos. 454, 820, and 1221, and the Circular Order, Nizamut Adawlut, No. 14, dated the 5th December 1828, having received the reconsideration of the Courts of Sudder Dewanny and Nizamut Adawlut for the Lower and North Western Provinces, and being found at variance with other instructions* on the same subject, which declare preliminary enquiry and commitment, in cases of forgery brought to light in the course of judicial proceedings, to be the peculiar duty of the civil courts, are hereby rescinded.

* Construction No. 572, para. 3, Construction No. 704, Circular Order No. 147, dated 29th May 1835.

2. In such cases, it will be no longer optional with the civil courts, as implied in the several Constructions and the Circular Orders hereby revoked, either to commit the accused for trial before a special sessions, or to direct a prosecution for forgery, or to declare the party aggrieved by such forgery at liberty to institute a prosecution in the criminal court, as to them may seem fitting; but it will be incumbent on those Courts, in all cases of forgery brought to light in the course of judicial proceedings, to conform strictly to the rules prescribed for adoption in cases of perjury by Section 2, Regulation III. of 1801, Section 3, Regulation VII. of 1813, Section 14, Regulation IV. of 1793, (corresponding with Section 8, Regulation III. of 1803,) and Section 14, Regulation XVII. of 1817.

3. The same rule is to be considered applicable, *mutatis mutandis*, to cases of forgery, brought to light in the course of judicial proceedings in a criminal court.

4. These instructions are not intended to exclude from the cognizance of the magisterial authorities criminal prosecutions for forgery, which may be instituted irrespectively of proceedings in any civil or criminal court.

TO THE COMMISSIONERS OF ASSAM, ARRACAN, AND TENASSERIM, THE GOVERNOR GENERAL'S AGENTS IN HAZAREEBAUGH AND COSSYAH HILLS, AND THE SUPERINTENDENT OF CACHAR.

No. 125.

Lower Provinces, 20th March, 1846.

Rule for the transmission of special appeals from the extra regulation territories to the Court.

I AM directed by the Court to communicate to you the following rule, regarding the admission of special appeals from the province under your control to the Sudder Dewanny Adawlut, which, as you will perceive from the accompanying copy of the orders of the Government, No. 529, of the 18th instant, and its enclosure, have been sanctioned by the Supreme Government.

RULE.

Under the spirit of Act III. 1843, no special appeals are to be admitted from the decisions of the authorities in the Extra Regulation Provinces without the sanction of the Court. Nevertheless, in order to promote facility of access to the Court, applications for special appeals may be presented to and received by the local authorities within the prescribed period of three months, to be transmitted, with the proceedings of the courts of first and second instance, to the Sudder Dewanny Adawlut; and it shall not be obligatory on the appellants to appoint vakeels in such cases till after notice given to the appellants of their appeals having been admitted.

From the Under Secretary to the Government of Bengal to the Officiating Register of the Sudder Court, dated 18th March, 1846.

With advertence to your letter, No. 1913, of the 26th December last, I am directed to forward, for the information of the Sudder Court and for communication to the authorities in the Extra Regulation Provinces, the accompanying copy of a letter, No. 186, of the 28th ultimo, from the Secretary to the Government of India, in the Home Department, conveying sanction to the new rule proposed by the Court for the transmission of special appeals.

From the Secretary to the Government of India to the Secretary to the Government of Bengal, dated the 28th February, 1846.

I am directed to acknowledge the receipt of Mr. Under Secretary Turnbull's letter, No. 197, dated the 4th instant, with original enclosures relative to the operation of Act III. of 1843, in the Extra Regulation Provinces, and in reply to state that, for the reasons therein assigned, and in compliance with the recommendation of the Hon'ble the Deputy Governor, the President in Council sanctions the adoption of the new rule, proposed by the Court of Sudder Dewanny Adawlut, for the transmission of special appeals from those territories.

TO THE CIVIL JUDGES IN THE LOWER PROVINCES.

Lower Provinces, 17th April, 1846. No. 126.

The decisions of the zillah courts to be sent monthly to the Court, for the purpose of being printed. When no decision has been recorded, a report to be made.

THE Government having been pleased to determine that the decisions of the zillah judges, recorded in English under Act XII. 1843, shall be printed monthly at the Presidency, I am directed by the Court to request that, from the 1st May next, the decisions of your Court, instead of being copied into a book, in the manner directed by the Circular Order of the 28th February 1845, be transcribed, on separate sheets of paper, and forwarded, at the end of each month, to this office, with a view to their being sent to the press. Each decision is to be copied as soon after it is passed, as may be practicable, so as to allow the whole of the decisions to be despatched within a day or two of the close of the month. Proper care is to be taken in your office to ensure the perfect accuracy of the transcription.

2. When there are no decisions in any month, the circumstance is to be reported to the Court by the judge; and if there be no judge, by the officer in charge, immediately on the expiration of the month.

TO THE CIVIL JUDGES IN THE LOWER AND WESTERN PROVINCES.

Lower and Western Provinces, { *24th April,** / *2d October,* } 1846.

No. 127.

Form of statement of pauper suits decided by the several courts to be sent monthly to the collector.

PURSUANT to the instructions of the Government, the Court direct that a statement in the subjoined form, on account of your own and subordinate district courts, be furnished monthly to the collector, to enable that officer to take measures for recovering the amount due to the Government on account of stamp fees in pauper suits.

* The form prescribed by the first, was superseded by that given with the second of these Circulars.

FORM.

STATEMENT shewing the number of Pauper Suits decided in the Civil Courts of Zillah *in the month of* *with the amount of Stamp Duty leviable on the amounts of the Suits decided.*

By whom decided.	Date of institution of Suit.	Number of the Suit as per file, whether Regular or Appeal.		Names of Suitors, with their places of residence.	Nature of the Suit.	When decided.	Substance of the order passed.	Amounts of Suits decided.			Stamp Duty leviable as per the Regulations.			Remarks.
Judge, ...	10th May 184 , ...	1231	Regular,...	Joydeb Pundit, plaintiff, of Thannah Rambag, Pergunnah Bhowanigunge, *versus* Jogessur Roy, defendant, of Thannah Churruckdangah, Pergunnah Joypore, ...	Loan of Sa Rs. 12,182 13 annas 13 gundahs, on mortgage of Landed Property, ...	13th June 184 , ...	Decreed with costs in favor of plaintiff, ...	14519	7	15	982	10	4	
P. S. A., ...	22d April 184 , ...	1238	Appeal, ...	Ramsurn Bhutt, defendant, appellant, of Thannah Sundeep, Pergunnah Aitch, *versus* Gopaulbullub Roy, plaintiff, respondent, of Thannah Bistopore, Pergunnah Jugdeespore, ...	Claim of 8 annas share in Talook Shumshereegunge, estimated value 418-7-4, ...	11th May 184 , ...	Decision of the Moonsiff's Court dismissing the suit reversed, and 8 annas share adjudged to appellant, ...	518	4	6	52	4	3	
S. A., ...	8th January 184 ,	521	Regular,...	Gopaul Lall Dutt, plaintiff, of Thannah B., Pergunnah D., *versus* Ahmed Kassim, defendant, of Thannah P., Pergunnah E., ...	Revenue of 10 beegahs of Paddy land forcibly possessed by defendant,..	12th April 184 , ...	Decreed with interest in favor of plaintiff, ...	452	1	9	47	5	6	
Moonsiff of Thannah Naboghunge,	7th December 184 ,	413	Ditto, ...	Ramahorre Tewarry, plaintiff, of Thannah N., Pergunnah G., *versus* Samsoonder Mundul of the same place, ...	Loan on Tamasook, ...	11th ditto, ...	Ditto with costs, ...	192	3	2	17	5	6	

ZILLAH
DEWANNY ADAWLUT,
The 184 .

C. D.,
Judge.

THE CIVIL AUTHORITIES IN THE NORTH WESTERN PROVINCES.

Western Provinces, 27th April, 1846.

No. 128.

Instructions on the subject of the difficulty experienced by decree holders in obtaining possession of houses and patches of land decreed in their favor.

THE Court publish, for general information, extracts (paragraph 27) from a report on the administration of civil justice during the past year in the Furruckabad district, and (paragraph 57) from their reply to the judge's observations on the subject of the difficulty experienced by decree-holders, in obtaining possession of houses and small patches of land decreed in their favor.

Extract (paragraph 27) from a report on the administration of civil justice during the past year in zillah Furruckabad.

Para. 27. Before closing this report, I beg to bring to the notice of the Court the great difficulty that is experienced by decree-holders to obtain possession of houses and small patches of land, decreed in their favor. Several instances have lately been brought to my notice, in which decree-holders have filed regular suits two, three, and even four times for the same property, have obtained decrees in each case, and have yet failed to obtain possession. This failure, to obtain possession, has arisen from individuals starting up and objecting to possession being given on the plea that they are in possession, and not the person against whom the decree has been passed. On such objection being reported, the decree-holder is informed, under the rule laid down in Construction, No. 744, dated 21st December 1832, that the objector cannot be ousted, and that if he is desirous of obtaining possession, he must file a regular suit against the person who has opposed his possession. In the cases referred to by me, the decree-holders have several times, as stated above, obtained decrees for the same property, and yet are as far off from obtaining possession as when they filed their first suit. This should not be, and to prevent the necessity of so many suits being instituted for the same property, I would suggest that the present law be so altered as to make it incumbent on the judicial officers, in all suits brought before them, for the possession of real property, to cause a written notification of the claim preferred to be affixed on the property claimed and published in its vicinity, requiring all persons, who may claim possession, to prefer the same within a limited period, and informing them, that, failing to do so, they will, in the event of the plaintiff obtaining a decree, be referred to a regular suit to substantiate their claim, the plaintiff in the mean time being placed in possession. An alteration of the law to the above effect would at once remove most effectually, and remedy the evil now complained of.

Extract (paragraph 5) of a letter from the Register of the Sudder Dewanny Adawlut, North Western Provinces, No. 703, dated 27th instant, to the Judge of Furruckabad.

Para. 5. With reference to your 27th paragraph, I am desired to remark, that the remedy for the evil, therein described, is in the hands of those, who are represented to suffer from its prevalence. It is in the power of every suitor, by timely application to the court in which his suit is pending, to prevent the fraudulent alienation of the defendant's property, for the purpose of avoiding the execution of an eventual judgment; and it cannot be the fault of the courts, or of the rules by which their proceedings should be guided, if litigants suffer themselves to be defrauded by failing to avail themselves of the protection which the law affords. Section 5, Regulation II. of 1806, empowers the judge, whenever "he may be satisfied by sufficient proof, that there is ground to apprehend the defendant means to dispose of the property in his possession by any private transfer," &c. &c., "to call upon the defendant for malzaminee security, or to cause the attachment of any land, effects, or other property belonging to, or possessed by the defendant, the attachment of which may be deemed necessary to secure the execution of the judgment to be passed in the cause," and it has been ruled by the Court on a former* occasion, that the purpose of a defendant, in pursuing a certain line of conduct, must be determined by the tendency and effect of that conduct, that, if a defendant be found to be making away with his property in either of the three ways described in the regulation, and it be established that the effect of his act will be to defeat the execution of an eventual judgment against him, such a fact would form a "sufficient proof," that such was the object and purpose of the defendant in pursuing that course, or at any rate it would furnish "ground to apprehend" that such was his purpose, which is all that the law requires. The Court cannot but think that hereby is provided adequate protection to all suitors against the fraudulent alienation of property during the dependence of a civil action, and that it is not more frequently availed of is believed by the Court to arise from the ignorance and incapacity, generally, of pleaders. In order, as far as in them lies, to obviate this evil, the Court will give publicity to the 27th paragraph of your report, and to the foregoing observations on the subject of it, merely observing further, that the power of attaching the property of defendants, was extended to moonsiffs by Section 3, Act VI. of 1843, and that the proper mode of making such attachment is described in paragraph 4th of Circular Order, Sudder Dewanny Adawlut, No. 50, dated 17th February 1816, extended and made applicable by Construction No. 916, to cases of attachment under Section 5, Regulation II. 1806. The Court deem it a matter of great importance, that the course, prescribed in the orders referred to, should be invariably followed, whenever necessity for the attachment of property, with whatever object, may arise.

* Vide paragraph 85, Court's printed Report for 1842.

TO THE CIVIL AUTHORITIES IN THE LOWER AND WESTERN PROVINCES.

Lower and Western Provinces, 18th May, 1846. No. 129.

Requiring observance of certain rules in recording depositions of witnesses.

THE Court desire that all the civil authorities, in recording the depositions of witnesses, will, on all occasions, observe the rules described in the following extract (paragraph 21) from the report of the judge of Goruckpore, on the administration of civil justice for the past year.

"My attention has been called to this subject, partly from observing that there was no uniform mode of recording depositions of witnesses in the moonsiffs' courts, and partly from the record itself *prima facie* giving no refutation to the slander, easily insinuated by a disappointed suitor, that depositions in the lower court has been trimmed. I believe that, in some cases, depositions were taken in the rough, and afterwards copied fair. It has come too under my observation, that the native judges have, in an off-hand fashion, dismissed a claim upon the ground of gross discrepancies in the evidence, which could not be detected by me after the most careful perusal. From a consideration of these circumstances, I directed that the depositions of all witnesses, in every court, in lieu of the old bi-columnar arrangement, with question on one side and answer on the other, should be continuously written according to the Sudder Nizamut's exemplar, appended to their Circular Order, No. 34, July 16th, 1830; that the interrogations put to witnesses should be in order; first by the party or his vakeel, at whose summons they attended; next by the opposite party; last by the native judge; that all the questions put should be numbered in a regular series; and that if, by accident or other cause, it became necessary to make a fair transcript of the deposition, the original rough draft, of course similarly attested, should invariably be placed on the file. I am thus enabled to ascertain the care and attention with which depositions have been taken, and the latter is discernible from the native judge's own questions. They too have only, when they allude to discrepancies, to point out the numbers of the different questions in which the deponent's replies are open to this imputation."

TO THE CIVIL JUDGES IN THE LOWER AND WESTERN PROVINCES.

Lower and Western Provinces, 15th May, 1846. No. 130.

Form of processes under Act XXIII 1840

THE Court are pleased to prescribe the following forms for use, under Act XXIII. 1840, in addition to those communicated with the Circular Orders, Nos. 140 and 218, dated

respectively, Lower Provinces, the 1st March 1841, and the 15th July 1842, Western Provinces, the 18th June 1841, and the 22d August 1842 :

1. Notice to respondent.
2. Proclamation for the attendance of the respondent.
3. Notice to mortgager for the redemption of mortgage and conditional sale of land.
4. Notification of the death, dismissal, resignation, or absence of a vakeel.
5. Notice to plaintiff to prosecute a remanded case.
6. Notice to defendant to defend a remanded case.
7. Proclamation for the appearance of the plaintiff in a remanded case.
8. Proclamation for the appearance of the defendant in a remanded case.
9. Subpœna to produce books and papers.
10. Security bond to be executed by the surety of an appellant.

No. 12.

NOTICE TO RESPONDENT.

In the Court of Dewanny Adawlut for the Zillah of Hooghly.

Buldeb Sircar, of Amirpoor, Pergunnah Kowas, Zillah Moorshedabad, Appellant,

versus

Kishen Peerya, widow of Nur Narain Roy, deceased, and guardian of Kishen Inder Narain Roy, infant, Respondent.

To Kishen Peerya, and so forth.

Whereas Buldeb Sirkar has presented a petition of appeal, praying for the reversal of the decision of the court of the sudder ameen, dated 5th September 1845, awarding to you possession of talook Ameerabad, in zillah Moorshedabad; you are hereby required to acknowledge the receipt of this notice, and further to appear in person or by vakeel in the court of the principal sudder ameen, and to deliver an answer to the petition of appeal on or before the

Given under my hand and the seal of the court, this

A. B.,
Judge.

L. S.

No. 13.

PROCLAMATION FOR THE ATTENDANCE OF THE RESPONDENT.

In the Court of Dewanny Adawlut for the Zillah of Hooghly.

Buldeb Sircar, of Amirpore, Pergunnah Kowas, Zillah Moorshedabad, (Appellant,)

versus

Kishen Peerya, widow of Nurnarain Roy, deceased, and guardian of Kishen Inder Narain Roy, infant, (Respondent.)

To Kishen Perrya, and so forth.

Whereas Buldeb Sircar has presented a petition of appeal, praying for the reversal of the decision of the court of the sudder ameen, dated 5th September 1845, awarding to you possession of talook Ameerabad, in zillah Moorshedabad; and whereas a notice was duly issued, requiring you to attend and to deliver an answer to the petition of appeal on or before the day of ; and whereas it appears from the return of the nazir (or from the return of the deputy sheriff of Calcutta) that after diligent search you were not to be found, and that the said notice was not served upon you according to the exigence thereof: proclamation therefore is hereby made that if you do not appear in person or by vakeel on or before the , the court will proceed to try the cause exparte and give judgment, as if you had appeared and answered to the plaint.

Given under my hand and the seal of the court, this

A. B.,
Judge.

L. S.

No. 14.

NOTICE TO MORTGAGER FOR THE REDEMPTION OF MORTGAGE AND CONDITIONAL SALE OF LAND.

In the Court of Dewanny Adawlut for the Zillah of Hooghly.

To Baboo Ramdas, of Colootollah, in Calcutta.

Whereas Ramnarain Bose, of Byedbattee, has, in a petition, dated the of which a copy is hereunto annexed, applied to this court for foreclosing the mortgage and rendering conclusive the sale of certain landed property situate in this zillah,

agreeably to the provisions of the deed of mortgage and conditional sale which he holds. You are hereby required to take notice that if you shall not, in the manner provided for by Section 7, Regulation XVII. 1806, and within one year from the date of this notice, redeem the property mortgaged to the aforesaid Ramnarain Bose, the mortgage will be finally foreclosed, and the conditional sale will become conclusive.

Given under my hand and the seal of the court, this 5th day of April 1846.

A. B.,
Judge.

L. S.

No. 15.

NOTIFICATION OF THE DEATH, DISMISSAL, RESIGNATION, OR ABSENCE OF A VAKEEL.

In the Court of Dewanny Adawlut for the Zillah of Hooghly.

Ramdhun, of Byedbattee, (Plaintiff,)

versus

Sheikh Edoo, of Cossitollah, in Calcutta, (Defendant.)

Mohumud Ally, of Pundoah, (Plaintiff,)

versus

Gholam Hossein, of Sobha Bazar, in Calcutta, (Defendant.)

Whereas Moonshee Chytun Churn, one of the vakeels engaged in the above mentioned causes, depending in this court (or in the court of the moonsiff of) has demised,* the parties thereto are required within six weeks (or two months) from this date to appear in person at the said court, or to substitute other vakeels in the room of the said Moonshee Chytun Churn formerly appointed by them.

* Or has been dismissed, or has resigned, or has been long absent.

Given under my hand and the seal of the court, this 5th day of April 1846.

A. B.,
Judge.

L. S.

No. 16.

NOTICE TO PLAINTIFF TO PROSECUTE A REMANDED CASE.

In the Court of Dewanny Adawlut for the Zillah of Hooghly.

Govindram, of Baug Bazar, in the Town of Calcutta, (Plaintiff,)

versus

Gholam Hyder, of Byedbatty, (Defendant.)

To Govindram, of Baug Bazar, in the Town of Calcutta.

Whereas the case of Govindram, of Baug Bazar, in the town of Calcutta, *versus* Gholam Hyder, of Byedbatty, wherein you are plaintiff, which was decided by this court (or the court of the moonsiff of) under date has been remanded by the court of for further investigation, (or to be tried *de novo*,) with directions that it be restored to its original number on the file of this court; and it appears on enquiry, that no vakeel is in attendance in this court to represent you in this suit,* take notice therefore, that in the event of your failing to adopt measures, either in person or by vakeel, for the prosecution of your suit for the period of six weeks, calculated from the date of the service of this notice, the said suit will be dismissed on default.

* Or, that the vakeel retained by you during the previous investigation of the suit, though in attendance, has not received any instructions from you, and that he is not prepared to go on with the case.

Given under my hand and the seal of the court, this day of

A. B.,

Judge.

L. S.

No. 17.

NOTICE TO DEFENDANT TO DEFEND A REMANDED CASE.

In the Court of Dewanny Adawlut for the Zillah of Hooghly.

Ramdhun, of Byedbatty, (Plaintiff,)

versus

Sheikh Edoo, of Cossitollah, in the Town of Calcutta, (Defendant.)

To Sheikh Edoo, of Cossitollah, in the Town of Calcutta.

Whereas the case of Ramdhun, of Byedbatty, *versus* Sheikh Edoo, of Cossitollah, in the town of Calcutta, wherein you are defendant, which was decided by this court (or by the court of the principal sudder ameen) under date the has been remanded by the court of

for further investigation, (or to be tried *de novo*,) with directions that it be restored to its original number on the file of this court, and it appears on enquiry that no vakeel is in attendance in this court to represent you in the suit;* take notice, therefore, that in the event of your failing to adopt measures, either in person, or by vakeel, on or before the to make answer in the said suit, the court will proceed to try the same exparte and give judgment, as if you had appeared and answered to the plaint.

* Or, that the vakeel retained by you during the previous investigation of the case, though in attendance, has not received any instructions from you, and that he is not prepared to go on with the case.

Given under my hand and the seal of the court, this day of

A. B.,

Judge.

L. S.

No. 18.

PROCLAMATION FOR THE APPEARANCE OF THE PLAINTIFF IN A REMANDED CASE.

In the Court of Dewanny Adawlut for the Zillah of Hooghly.

Govindram, of Baug Bazar, in the Town of Calcutta, (Plaintiff,)

versus

Gholam Hyder, of Byedbatty, (Defendant.)

To Govindram, of Baug Bazar, in the Town of Calcutta.

Whereas the case of Govindram, of Baug Bazar, in the town of Calcutta, *versus* Golam Hyder, of Byedbatty, wherein you are plaintiff, which was decided by this court (or the court of the moonsiff) under date has been remanded by the court of for further investigation, (or to be tried *de novo*,) with directions that it be restored to its original number on the file of this court; and whereas a notice was duly issued, requiring you to adopt measures to prosecute the said case; and whereas it appears from the return of the nazir (or the deputy sheriff of Calcutta) that after diligent search you were not to be found, and that the said notice was not served upon you according to the exigence thereof: proclamation is therefore hereby made that, in the event of your failing to adopt measures for the prosecution of your suit for the period of six weeks, calculated from the date of the service of this notice, the said suit will be dismissed on default.

Given under my hand and the seal of the court, this day of

A. B.,

Judge.

L. S.

No. 19.

PROCLAMATION FOR THE APPEARANCE OF THE DEFENDANT IN A REMANDED CASE.

In the Court of Dewanny Adawlut for the Zillah of Hooghly.

Ramdhun, of Byedbatty, (Plaintiff,)

versus

Sheikh Edoo, of Cossitollah, in the Town of Calcutta, (Defendant.)

To Sheikh Edoo, of Cossitollah, in the Town of Calcutta.

Whereas the case of Ramdhun, of Byedbatty, *versus* Sheik Edoo, of Cossitollah, in the town of Calcutta, wherein you are defendant, which was decided by this court (or the court of the moonsiff of) under date the has been remanded by the court of for further investigation, (or to be tried *de novo*,) with directions that it be restored to its original number on the file of this court; and whereas a notice was duly issued, requiring you to adopt measures to make answer in the said suit; and whereas it appears from the returns of the nazir (or the deputy sheriff of Calcutta,) that after diligent search you were not to be found, and that the said notice was not served upon you according to the exigence thereof: proclamation is therefore hereby made that if you do not appear in person or by vakeel on or before the to make answer in the said suit, the court will proceed to try the same exparte and give judgment, in the same manner as if you had appeared and answered to the plaint.

Given under my hand and the seal of the court, this day of

A. B.,

Judge.

L. S.

No. 20.

SUBPŒNA TO PRODUCE BOOKS AND PAPERS.

In the Court of Dewanny Adawlut for Zillah Twenty-four Pergunnahs.

Kaleekishen Nag, (Appellant,)

versus

Ramneedee Bose and others, (Respondents,)

To *of Calcutta.*

Whereas your attendance is required to give evidence in the above cause, you are hereby required personally to appear before the Court of Sudder Dewanny Adawlut, on the day of next, and to take with you the registry books of the bank of in which the undermentioned notes of the said bank are registered, viz.

Nos. each for Sa. Rs. 500

Nos. each for Sa. Rs. 1,000

Given under my hand and the seal of the court, this day of 184 .

A. B.,
Judge.

L. S.

No. 21.

SECURITY BOND TO BE EXECUTED BY THE SURETY OF AN APPELLANT.

Whereas an appeal has been preferred in the Court of Sudder Dewanny Adawlut, by William Hunter, from a decision passed against him, and in favor of George Thomas, by the Dewanny Adawlut of zillah Purneah; and whereas I inhabitant of have voluntarily become security for the performance by the said William Hunter of all orders which may be passed thereon: I do hereby engage and bind myself, my heirs and successors, that the said William Hunter shall pay the respondent, the said George Thomas, or his representatives, whatever sum may be adjudged by the Sudder Dewanny Adawlut to the said respondent, or his representatives, in default of which, I, my heirs and successors, will be answerable for such sum as may be adjudged against him, and for the performance of whatever order or decree may be passed against him in the appeal above-mentioned.*

Dated this day of 184 .

Sealed and delivered in the presence of A. B. and C. D.

TO THE CIVIL JUDGES IN THE LOWER PROVINCES.

Lower Provinces, 5th June, 1846. No. 131.

THE Court publish, for general information, an amended translation of form No. 4 of commission prescribed for use under Act VII. 1841, by the Circular Order No. 185, 11th February 1842.

Amended translation of form No. 4 of commission under Act VII 1841, prescribed by C. O. No. 185, 11th February 1842. Zillah judges are to use the English form.

2. The zillah judges, who may have occasion to use the form above-mentioned, are requested to make use of that drawn up in English.

৪ নম্বর।

কলিকাতার কোর্ট আফ রিকোএষ্টের শ্রীযুত কমিসনর সাহেব

বরাবরেষু

যেহেতুক উক্ত মোকদ্দমার উক্ত তারিখের হুকুমনামাতে ১৮৪১ সালের ৭ আইনের বিধির অনুসারে অমুক স্থান নিবাসি অমুক এবং অমুক ব্যক্তিরদিগের আপনার আদালতে সাক্ষ্য লইতে হুকুম হইল অতএব আপনারদের অথবা আপনারদের কোন এক জনার প্রতি আদেস হইতেছে যে এই কমিসনের সঙ্গে গাঁথা লিখিত জিজ্ঞাসার অনুসারে অথবা আদালতের রুবকারির যে চুম্বক ইহার সঙ্গে গাঁথা আছে তাহার নির্দ্দিষ্ট বিষয়ের অনুসারে উক্ত আইনের ৪ ধারার নিরূপিতমতে সপথ অথবা প্রতিজ্ঞাক্রমে ঐ সাক্ষ্যদের সাক্ষ্য ও জোবানবন্দি আপনারা লইবেন এবং ঐ উভয় বিবাদির অথবা তাহাদের মোক্তারেরা উপস্থিত হইলে তাহাদের সাক্ষ্যাতে ঐ সাক্ষিরদের জোবানবন্দি লইবেন এবং নির্দ্দিষ্ট বিষয়ে তাহারা ঐ সাক্ষিদিগকে জিজ্ঞাসাবাদ করিতে পারিবেক পরে আপনি এই কমিসনের সনদ এবং "ইহার সঙ্গে যে লিখিত জিজ্ঞাসা গাঁথা আছে তাহা এবং"* তাহার বিষয়ে ঐ সাক্ষিদের জোবানবন্দি এই আদালতে আগামি অমুক মাসের অমুক তারিখে বা তাহার পূর্ব্বে ফিরিয়া পাঠাইবেন।

আমার দস্তখত এবং এই আদালতের মোহর অমুক সনের অমুক তারিখে দেওয়াগেল

মোহরের স্থান শ্রী অমুক

*অধন লিখিত জিজ্ঞাসা না পাঠান জায় তখন এই চিহ্নের" "মধ্যের কথা দিতে হইবেক না।

No. 132. TO THE CIVIL AUTHORITIES IN THE NORTH WESTERN PROVINCES.

Resolutions requiring specification of certain particulars in petition of appeal, regular and special, published for general information. Attention called to the rule of C. O. No. 118, 14th Nov. 1834, which requires judges to state whether the decree appealed against has been carried into execution or not.

Western Provinces, 5th June, 1846.

THE Court of Sudder Dewanny Adawlut, for the North Western Provinces, direct the publication of the subjoined resolutions for general information.

2. The Court take the opportunity of reminding the civil judges, that, in their certificates transmitting petitions of appeal, they are required by Circular Order No. 118, dated 14th November 1834, to state, whether the decree appealed against, has or has not been carried into execution.

3. Indents should be forwarded to this office for blank forms of the certificates prescribed.

At a Court of Sudder Dewanny Adawlut, held at Agra, on the 19th May, 1845.

Read the serishtadar's report, dated 15th ultimo.

Whereas it appears that many petitions of appeal are filed in this Court, wanting the particulars required by Clause 3, Section 10, Regulation V. of 1803, to be entered therein, it has been

Resolved. That every petition of appeal shall state the court in which the decree appealed against, was passed, the date on which it was made, the proportion of the claim, in regard to which the appeal may be instituted, the names of all the respondents as required by Circular Order No. 21, dated 5th August, 1843, the sum of money, or the value of the property, which may have been decreed, and shall also state, whether the decree have been executed; it is also required, that, if the petition of appeal be presented in the Court by which the appeal is to be tried, an authenticated copy of the decree be filed with the petition of appeal.

2*d. Resolved.* Further, that the above requirements shall be observed in petitions of special appeal, with this addition, that such applications must always be accompanied by copies of the several decrees, previously passed in the case, and must be presented within the period limited for the presentation of regular appeals.

3*d. Resolved.* That petitions of appeal, wanting specification of the several matters above noticed, shall not be receivable, unless the appellant amend the error by presentation of a supplementary petition, within the period allowed by law for the institution of an appeal.

At a Court of Sudder Dewanny Adawlut, held at Agra, on Friday, the 5th June 1846.

Read extract from the proceedings of Mr. Cartwright, dated 5th May 1846.

Resolved—That the particulars required by the 1st paragraph of the Court's resolution, dated 19th May 1845, to be inserted in petitions of appeal, shall be exhibited, not with the *mowjibat*, or reasons for appealing, but in the first petition of appeal; and that, whether such petition be presented in the court by which the appeal is to be tried, or in the court by which the decision may have been passed in the first instance, the omission of those particulars shall bar the admission of the appeal, unless the error be amended by the presentation of a supplementary petition within the period allowed by law for the institution of an appeal. Ordered, that this resolution, and the resolution of the Court, dated 19th May 1845, be published in the Gazette, for the information of the public.

TO THE SEVERAL CIVIL AUTHORITIES IN THE NORTH WESTERN PROVINCES.

Western Provinces, 6th June, 1846.

No. 133.

Prescribing 21 forms of register books for the use of the moonsiffs' courts, in supersession of those now in use.

THE Court of Sudder Dewanny Adawlut, having been for some time past engaged in devising an uniform set of register books for the use of the moonsiffs' courts, circulate herewith twenty-one forms, which have been prepared with much care after communication with several experienced district officers, and which, it is hoped, will be found sufficiently simple, and comprehensive at the same time, to admit of their general and immediate introduction, in supersession of those now in use.

2. The following instructions and explanatory remarks are issued with a view to insure uniformity and prevent error in the preparation of the several registers, and, where necessary, to explain the design of the Court in prescribing the use of any particular form, or the purport of any particular heading.

3. On the appearance of this Circular Order, the judges of the several districts in these provinces will cause the requisite number of books to be prepared, according to the subjoined forms, of uniform size, and, before allowing them to be brought into use, will be pleased to take care that they are securely bound, and that each leaf of each book is paged and attested by the moonsiff, who shall note in his own handwriting, on the first and last pages of each book, the number of pages contained in it, and subscribe the note with his official signature.

4. The several books are for facility of reference to be numbered in the serial order, which has been followed in the arrangement of the subjoined forms, and a departmental distribution of the labor and responsibility, incurrible in their preparation and maintenance, is to be effected under the immediate direction of the judges, who will observe that the registers Nos. 1 to 15 appertain to the *moonshee khanah* of the moonsiffs' courts, and Nos. 16 to 21 to the *nazarut*, and will frame their instructions accordingly.

5. Before proceeding to add a few remarks and orders relating to the several registers, the Court desire to explain that the register No. 1, of civil suits disposed of, prescribed by Circular Order No. 14, dated 23rd November 1838, is to be kept up, and that the table of distances, directed by Circular Order No. 182, dated 28th January 1842, is to be prepared and exposed in each moonsiffee as heretofore, irrespectively of the following instructions.

6. *Register No.* 1. Will exhibit all the regular suits, instituted in, or referred to, the moonsiffs' courts, according to their number and date of institution, together with other particulars in regard to the subject and value of suit, the mode and date of its ultimate disposal, and the issue of appeals instituted, as indicated in the several columns of the form, on the subject of which it is only necessary further to remark, that this register, as well as all others of the series, is designed not only to furnish a correct record of the business pending, instituted, and disposed of in each court, but at the same time to expedite the preparation of the periodical returns required for submission to the Court, and to facilitate reference, whenever information may be applied for either by suitors or by the superior judicial authorities. It is with this view that column No. 5 has been sub-divided, and separate headings (Nos. 8 and 9) provided to show the date on which execution may have been sued out, and the result with which an appeal from the original decision may have been attended.

7. *Register No.* 2. Has for its object to secure strict conformity on the part of the moonsiffs to the instructions contained in Circular Order, Sudder Dewanny Adawlut, No. 49, dated 20th September 1839, and to enable the judge to correct any irregularity or delay, that may incidentally be brought to his knowledge: the form is so simple as to call for no explanation as to the mode of its preparation.

8. *Register No.* 3. Is prescribed in accordance with Circular Order, Sudder Dewanny Adawlut, No. 14, dated 23d November 1838, and is required to be kept up with great regularity, care being taken to avoid erasures, interpolations, and alterations of the original

entries; the date, on which the suit may be decided, will be exhibited in order to facilitate reference, the records of the civil courts being arranged in the sudder office according to jurisdictions and dates of decision.

9. *Register No.* 4. The Court deem it unnecessary to add to the instructions, contained in Circular Order, Sudder Dewanny Adawlut, No. 146, dated 15th May 1835, in obedience to which this register was instituted; a tabular form is now prescribed in order to ensure uniformity, and, with a view to facilitate reference to the original record in cases of doubt, the number of the suit and the date of the order will be exhibited in the first column.

10. *Register No.* 5. In the first column of this register are to be entered the number of the regular suit, and the date of decision, which will not always correspond with the date of the razeenameh, to be exhibited in the 5th column, and in the 8th column will be shown the date on which the matter of the refund may be finally disposed of by the petition of plaint being returned to the moonsiff. The moonsiffs are hereby directed, before transmission of a plaint to the revenue authorities for refund of the stamp duty, to endorse upon it the date on which the case, to which it relates, was disposed of, a precaution which will entail but little labor, and will at the same time prevent much delay and inconvenience, now experienced, in restoring petitions of plaint to the record of the cases to which they belong.

11. *Register No.* 6. A few supposititious entries have been made in the form of this, as of other register books, as better calculated to show the purport and object of each heading, than any written commentary would be. It seems only requisite to observe, that, while the 1st column will show the number of the application for execution in its serial order; the 2d will exhibit the number of the regular suit, and the date of the decree to which the application has reference; and in the 3d column will be inserted only the names of the decree-holder and of those defendants against whom the decree has been passed, those who have been absolved by the judgment of the court being excluded. The object, proposed by the 9th column, is to facilitate reference to the proceedings, held on subsequent applications for execution of a decretal order, and to keep up a connection between the several misls, which relate to the same decree.

12. *Register No.* 7. Calls for no other remark, than that columns 4 and 5, are designed to exhibit, respectively, the number borne in register book No. 6, by the case of execution of decree, in which claims or objections have been preferred, and the date on

which the regular suit, to which that decree may appertain, was determined; but, in order to maintain the connexion and chain of reference, which it is intended to establish, the judicial authorities are required, in making requisitions of the nature alluded to under Circular Orders Nos. 83 and 167, dated 8th May 1840 and 24th September 1841, to superscribe the particulars, which the moonsiff, receiving the requisition will be expected to insert, as above directed, in the 4th and 5th columns of this register. In regard to cases thus received, the name of the court referring them, will be entered in the 1st column.

13. *Register No.* 8. The date of institution required to be shewn in the 1st column of this register, will correspond with the date of the nazir's report, alleging the fact of resistance, and in the remaining columns the entries will be made agreeably to the example given.

14. *Register No.* 9. In the 1st column of this book will be exhibited the number of the pending application for execution of decree, (as entered in register No. 6,) in which the party may have been arrested, and the moonsiffs, in forwarding the prisoner to the sudder station, will transmit with him an extract (columns 1 to 6) from this register book, 7th, 8th and 9th columns of which will be filled up subsequently, on receipt of the requisite information from the judge of the district. The judges are requested to be punctual in communicating this information to the moonsiffs, particularizing not only the name of the prisoner, but the number and names of parties as exhibited in column 1st of this register.

15. *Register No.* 10. Will comprise all miscellaneous applications, petitions, reports, or business of any description, other than that for which separate registers are hereby prescribed; and the instructions, contained in the latter part of paragraph 12, are to be considered equally applicable to requisitions of the miscellaneous nature, to which this register book relates, that is to say, the moonsiff or other judicial authority, making such a requisition, is required to state all particulars that may be requisite to enable the officer receiving it to fill up the 2d, 5th and 6th columns of this register.

16. *Register No.* 11. Requires no remark: it will be kept up by the ministerial officers of the moonsiff's court, not by the nazir.

17. *Register No.* 12. Will supersede the form of register, prescribed by Circular Order No. 82, dated 5th February 1833, which in other respects should be, as heretofore, observed, and will include all other deposits than those on account of tullubanah, subsist-

ence money of civil prisoners, and amoen's remuneration, all which are separately provided for by registers Nos. 9, 11, and 18 of this series. The duty of maintaining this register has not been assigned to the nazir, because, under the operation of Circular Order No. 107, dated 18th September, 1840, becoming more extensively applicable as the adjustment of subordinate civil jurisdictions progresses towards completion, that functionary has little or nothing to do with the matters, to which the said register relates.

18. *Register No.* 13. Is so simple as to require no remark.

19. *Register No.* 14. Will be prepared and kept up in the form prescribed by Circular Order, No. 1, dated 14th October, 1837, and *register No.* 15, agreeably to the instructions, which may have been, or may hereafter be received from the accountant's office.

20. The remaining register books of the series appertain to the *nazarut*, and will be kept up by the nazirs appointed under the authority of the recent Act No. XIV. of 1845; the two first, Nos. 16 and 17, when once prepared, will entail but little labor, and the remaining four do not call for instructions as to the mode in which they are to be made up, or any explanation of the objects, contemplated in their institution. The register No. 18 corresponds with the form subjoined to Circular Order, Sudder Dewanny Adawlut, No. 98, dated, Western Provinces, 18th September 1840, and seems to the Court sufficiently comprehensive for all requisite purposes, and the headings of the several columns of the following register, No. 19, plainly denote the nature of the proper entries, and the several objects, proposed by its introduction. It is to be borne in mind that the first column of this latter register is to exhibit the number and description of the case, whether regular suit, or oozurdaree case, or resistance of process, or other, in which the witnesses may have been summoned. In like manner, the entry in the 3d column of register No. 21, will show the same particulars relative to the case, in which security, for whatever purpose, may have been demanded.

21. The Court are disposed to think, that the several register books hereby prescribed are not only simple, but sufficiently comprehensive to provide a valuable record of all the business, pending, instituted, and disposed of in the moonsiffs' courts, and they see little reason to apprehend, that, with the foregoing explanatory comments and instructions, difficulty will be experienced in their preparation and maintenance; but they deem it advisable to impress upon the judges the necessity of occasionally calling for the register books for examination, and not only pointing out to the moonsiffs, but reporting to the Court, any instances of irregularity, carelessness, or remissness, that may be discovered. It is of material

importance, that this precautional measure should be observed on the first introduction of these registers, as their novelty may possibly lead to misapprehension of their objects, and to doubt as to the mode of their preparation.

22. It is to be understood, that the several register books of this series, with the exception of the "Yaddasht Buhee," No. 4, which, as directed in the Circular Order, dated 15th May 1835, will be forwarded, when complete, to the judge's office, are to be considered records of the moonsiff's court, and to be there retained until all probability of a necessity for referring to them may cease to exist, when they will be transmitted to the judge for the purpose of being deposited in his office.

23. It having been represented to the Court, that much delay in the execution of decretal orders is occasioned by the necessity, under the present rules, of recalling from the sudder office the misls, relating to applications, for execution of decree, which may have been struck off on default, when the cases are revived by a fresh application to that effect from the decree-holder, the Court direct that all such misls shall be retained by the moonsiffs for a period of six months, from the date of their being expunged from the file of pending cases: should no steps be taken in the interval of six months to proceed with the execution, the misl will be forwarded to the sudder office as usual.

24. A form (A) to be observed in the preparation of the table of distances, enjoined by Circular Order, No. 182, dated 28th January 1842, is appended to this circular.

25. These forms are to be brought into use from and after the 1st September next ensuing.

TO THE CIVIL AUTHORITIES IN THE LOWER AND WESTERN PROVINCES.

No. 134.

Western Provinces, 19th June,
Lower Provinces, 17th July, } 1846.

Security bonds of every description to be registered.

THE Court of Sudder Dewanny Adawlut promulgate the subjoined resolution for the guidance of the civil authorities and the information of all parties interested.

Resolution of the Court of Sudder Dewanny Adawlut.

With reference to the provisions of Act XIX. of 1843, and with the view to obviate the disputes, which not unfrequently arise, owing to the alleged alienation of property, pledged as security in civil cases, the Court resolve:—

That all security bonds, for whatever purpose the security may be required, whether for costs of respondent in appeals to the Queen in Council, or under the terms of Clause 1, Section 5, Regulation II. of 1806, or any other law or authoritative order, shall be duly registered according to the rules now in force or which may be hereafter enjoined, and that the registration of such bonds shall be deemed indispensable to their acceptance as good and valid securities.

TO THE CIVIL JUDGES IN THE LOWER PROVINCES.

Lower Provinces, 17th July, 1846. No. 135.

Rules relating to execution of decrees under Act IV. 1846, in the Lower Provinces.

THE following rules relating to the execution of decrees under Act IV. 1846, passed with the sanction of the Supreme Government, are published for general information.

2. The district judges are requested to communicate to the moonsiffs the purport of the annexed extract (paragraph 6) of the orders of the Supreme Government, No. 469, dated 4th instant.

"The tullubana for peadas and all costs of process are in the first instance advanced by the decree-holder, and finally deducted out of the proceeds of the sale; and this is the proper course. The reports to the judges from the moonsiffs' courts should be sent as far as possible by the public dawks: if peadas are required, they must be paid at the judge's court and charged in contingent bills."

RULES.

Act IV. 1846, Section 3, provides "that the rules now in force for the attachment and sale of such real property as the courts of civil judicature are now authorized to sell in satisfaction of decrees without application to the revenue authorities, shall apply to attachments and sales made under the authority of this Act." Those rules are to be found in Regulation VII. 1825. They are to be strictly attended to, and especial care taken that the preliminary process therein prescribed, for bringing any property to sale, be duly observed. The following rules, therefore, drawn up under the authority conveyed in Section 11 of Act IV. 1846, relate only to such points of detail in the conducting of sales as neither the Act itself, nor Regulation VII. 1825, provides for.

I. Every sale of landed property to be made under the authority conveyed in Section 3, Act IV. 1846, shall be conducted by the officer empowered to execute the decree in satisfaction of which the sale is proposed to be made, or under his directions, and the preliminary processes shall all be issued by the said officer.

II. Sales shall ordinarily be advertised to take place at the cutcherry of the officer under whose order the same may be directed, but when a sale is about to be made under the orders of a moonsiff in the interior, and he may think it expedient that the sale should take place at the sudder station of the district, he shall issue the prescribed processes to that effect, and communicate the same by roobacarry to the judge, transmitting therewith copy of the lotbundy exhibiting all the particulars of the intended sale. In such cases the judge will either instruct his nazir to preside at the sale, or do so himself. In either case the result shall be communicated to the moonsiff.

III. If the property proposed to be sold in execution of a decree by a moonsiff should not be situated within such moonsiff's jurisdiction, but should be situated within the jurisdiction of another moonsiff in the same district, then the moonsiff passing the decree shall transmit the sale papers to the moonsiff within whose jurisdiction the property may be situated, with a roobacarry requesting him to realize the amount due on the decree. The latter shall then proceed to effect a sale of the property in the same manner as if the decree had been passed by himself. The result shall be communicated to the moonsiff ordering the sale to be made.

IV. A form of the lotbundy, to be used in all cases of intended sales, is annexed, marked A.

V. The first Monday in every English month shall be the day fixed for sales under Act IV. 1846, to take place; care being taken in issuing the proclamation, (form of which, marked B, is annexed,) required to be made of intended sales, to allow in every instance the full period of thirty days, exclusive of the date of such proclamation, and of the day of sale; so that when notice of an intended sale is to be issued, should the first Monday in the ensuing month fall within thirty days, the sale must be fixed for the first Monday in the following month. In any instance should the first Monday in the month be an authorised holiday, the sales shall commence on the first court day ensuing.

VI. Should the sales, advertized to take place on a particular date, prove in any instance more than may conveniently be concluded on the day fixed, the circumstance shall be recorded by the presiding officer, and in such cases, the sales shall be continued from day to day, till the whole shall have been disposed of.

VII. The same course shall be adopted when the presiding officer may be unable, through indisposition, or other unavoidable cause, to proceed with the sales on the day fixed.

In such cases, the officer under whose orders the sales may have been directed to be made, may either direct some of his subordinate officers to conduct the sales, or he may adjourn them from day to day till he himself shall be able to preside.

VIII. Should more than a mere adjournment from day to day be requisite, and it be found necessary to postpone a sale to a subsequent date, due notice, viz. at the court where the sale is to be made, and at the judge's office, shall be given of the day fixed for the postponed sale to take place.

IX. Should it be found necessary to postpone a sale through any error discovered in the lotbundy, or advertisement, whether as regards the description given of the property proposed to be sold; or, if the property consist of land paying rent, of the jumma assessed thereon; in such case, the errors being corrected, process of sale must issue again *ab initio*.

X. All persons shall be permitted to bid for the property exposed to sale without previous question. When the bidding* has ceased, for which due time shall be allowed, the officer presiding shall call on the highest bidder to pay down the deposit required under Section 5 of the sale Act. On complying with this requisition, the purchaser shall be allowed 15† days from the day of sale, reckoning that day as one of them, to make good the balance‡ of the purchase money. On payment of the same within the prescribed time, the presiding officer shall grant the purchaser a receipt for the sum total, and forthwith remit the amount to the treasury of the judge of the district to which he is himself subordinate.

XI. Should any objections be made against the sale, within the period allowed for such representations, viz. within one month from the day of sale, the officer, by whom the sale may have been ordered, shall dispose of the same with all convenient despatch. If, however, no objections should be preferred within the prescribed period, or, if those preferred as above should be over-ruled, the officer, by whom the sale may have been ordered, shall declare the sale to be concluded, and immediately grant a bill of sale to the purchaser, agreeably to the form C, annexed hereto.

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* Should disputes arise as to who may be the highest bidder, before the lot has been distinctly knocked down, the previous bids shall go for nothing, and the sale shall be commenced again *de novo*.

† If the fifteenth day should be a Sunday, or a close holiday, then the purchaser shall be deemed to have paid the purchase money, within the prescribed time, if he pay it by sunset of the first court day thereafter ensuing.

‡ Should this balance not be paid within the prescribed period, the notification of re-sale required by Section 5 of the Act shall be an advertisement at the cutcherry of the officer holding the sale, announcing the property for re-sale on the first regular sale day in the ensuing month.

XII. Before disposing of the purchase money, due attention must be given to the Circular Orders, No. 1, of the 6th June 1828,* No. 16, 2d January 1836, and No. 42, 26th January 1844. When the period for disposing of it shall have arrived, the expence incurred by the party in bringing the property to sale shall first be deducted from the proceeds of sale, and paid to him or her. The residue, after the further deductions authorised to be made from the proceeds of sale in the subsequent rules, shall then be disposed of according to the rules in force applicable to such cases.

XIII. When sales may be conducted by persons other than those who may have ordered the same, as, for instance under rules II. and III., the duty of the officer, conducting the sale, shall be purely ministerial, and he shall not take cognizance of any objections which may be urged against the intended sale, nor shall he postpone the sale except at the special requisition of the officer who may have directed the sale to be made.

XIV. The foregoing rule is not intended to apply to cases in which the property proposed to be sold may be situated in a district other than that to which the court passing the decree, in execution of which the property is proposed to be sold, appertains. In all such cases the rules prescribed by Circular Orders, Nos. 83 and 167, dated 8th May 1840, and 24th September 1841, will remain in force, but there seems no good reason for extending those rules to cases in which one moonsiff may be employed to sell under the requisition of another moonsiff, both being subordinate to the same judge, and consequently under the same appellate jurisdiction.

XV. No sale shall commence before noon, nor after sunset.

XVI. When sales are made by or under the directions of a principal sudder ameen, sudder ameen, or moonsiff, the result of the proceedings shall be submitted to the judge of the district at the close of the day, in the form annexed, marked D. At the close of the fifteenth day, a report shall be transmitted to the judge simply announcing whether the amount purchase money has been paid in full or not. The judges will be careful to see, that these reports are regularly submitted and within the time prescribed.

XVII. Two registers shall be kept by every court, according to the forms hereto annexed, marked E. and F, the one of property to be sold, the other of property sold: In the latter register, sales made, but not completed by payment in full of the purchase money,

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* Modified by Circular Order No. 26, dated 11th August 1843.

are not to be entered; but payment in full having been made, they are to be entered immediately, without reference to their subsequent confirmation or otherwise.

XVIII. The registers prescribed in the preceding rule shall be kept in two strongly bound volumes, the pages in each being numbered; and at the close of the volumes, the judge shall certify under his own signature the number of pages contained in each volume. Every entry in these registers shall be authenticated by the presiding officer, for the time being, of the court to which they appertain, and the judges will avail themselves of every favorable opportunity of inspecting these registers, and seeing that they are carefully and properly kept up.

XIX. The bill of sale to be granted to a purchaser under rule XI. shall be drawn out on stampt paper, according to the amount paid for the property, and the cost price of the stamp shall be paid by the purchaser, according to rule in note to exemptions No. 19, Schedule A, Regulation X. 1829, and the said bill of sale shall be deemed in any court of justice sufficient evidence of the title, acquired thereby, being vested in the person or persons named therein from the date specified.

XX. Simultaneously with the grant of this bill of sale to the purchaser, the officer under whose orders the sale may have been made, shall affix a proclamation in the language of the district in his cutcherry, intimating in the terms of the bill of sale, the succession of the purchaser to the rights and interests of the party whose property has been sold; a similar proclamation shall be sent to the cutcherries of the darogahs of police within whose jurisdictions any part of the property sold may be situated, and a third to the cutcherry of the zemindar in whose estate the property sold may be situated. And no other process for putting the purchaser in possession shall be necessary, and any disputes which may arise as to the extent of the property sold, or of the rights and interests therein heretofore belonging to the party to whom the purchaser has succeeded, shall be heard and determined as a regular suit under Regulation IV. 1793, and not otherwise, it being clearly understood that sales under Act IV. 1846, convey to the purchaser no right or privilege which was not vested in the person of the late proprietor. Such rights or privileges, therefore, becoming the subject of dispute, can be determined only by the institution of a regular suit.

A.

Register of Property advertised for sale in execution of decrees of court under Act IV. of 1846, *this* 26*th February* 1851, *corresponding with the* 14*th Falgoon* 1258, *B. E.*

Agreeably to the orders contained in the proceeding of the judge, principal sudder ameen, &c. of this district, dated 3d February 1851, and to the notice issued under this date, in the case of Gungagobind Chuckerbutty, plaintiff, *versus* Manoollah Sheikh, defendant, No. 357, the undermentioned property will be sold by public auction for the realisation of the amount due in that case, on Wednesday, the 27th March 1851, corresponding with the 15th Chyte 1258, B. E.

1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.
No. of the lot.	Name of Mehal.	Name of Pergunnah.	Name of District.	Proprietor's name recorded in the Collector's Office.	Sudder Jumma of the entire Mehal.	Name of Zemindar.	Zemindar's receivable jumma.	Name of Debtor.	Amount to be realized.	Remarks.
										In this column (11,) it should be recorded distinctly that the rights and interests only of the person or persons answerable for the amount to be recovered are to be sold. Also any information regarding the mode in which the jumma of dependent talook, &c. may have been ascertained.

B.

Notice of Judge, Principal Sudder Ameen, &c. in Zillah 24-Pergunnahs, under Act IV. of 1846.

Agreeably to the orders contained in the proceeding of the judge, principal sudder ameen, &c. of this district, bearing date 3d February 1851, in the case of Gungagobind Chuckerbutty, plaintiff, *versus* Manoollah Sheikh, defendant, No. 357, the undermentioned property will be sold by public auction at the cutcherry of at noon, on Wednesday, the 27th March 1851, corresponding with the 15th Chyte 1258 B. E., for the realisation of the amount below specified, dated 26th February 1851, corresponding with the 14th Falgoon 1258 B. E.

1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.
No. of the lot.	Name of the Mehal.	Name of the Pergunnah.	Name of District.	If a Government Mehal the name of the recorded proprietor.	Sudder jumma of the entire Mehal.	If a dependent talook, within whose zumeendaree.	Rent payable to the Zumeendars.	Name of the person or persons answerable for the amount.	Amount to be realised.	Remarks.
										In this column (11,) it should be recorded distinctly that the rights and interests only of the person or persons, answerable for the amount to be recovered, are to be sold. Also any information regarding the mode in which the jumma of dependent talook, &c. may have been ascertained.

C.

I make it known that, agreeably to Act IV. of 1846, Ramguttee Biswas has purchased, at auction, the rights and interests of Ruhmut, son and heir of Munoollah, in and appertaining to the kismut of mehal Radhanagore, and that his purchase has taken effect on and since the 27th of March 1851. Dated 19th April 1851, corresponding with the 3d of Chyte 1258 B. E.

Official signature of the officer holding the sale.

D.

Report of sales made this day, in which the deposit has been paid in conformity to the orders of

1.	2.	3.	4.	5.	6.
Particulars of the property sold.	Decree in execution of which the property has been sold.	Names of purchasers.	Amount for which the property sold.	Amount deposited in part payment of the purchase money.	Remarks.

E.

Register of Property advertised for sale in execution of decrees under Act IV. 1846.

1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.
No. of lot.	Particulars of property.	Date of Ishtehar.	Date fixed for the sale to take place.	Parties to the decree, in execution of which the property is proposed to be sold.	Amount payable under the decree.	Objections preferred or not prior to the sale.	Objections when and how disposed of.	Sale when made.	Reference to page and number of register of sales made.	Remarks.
								Note.—Columns 9 and 10 have been added to render the statement complete for general reference; they will only be filled up in the event of the property being sold and entered in register F.		*Note.*—Under this head explanation will be entered, in the event of no sale taking place, e. g. the amount due on the decree was paid *in full*, or, the purchaser, having made the required deposit, failed to complete his purchase by paying the remainder of the purchase money within the required period, and the property has been re-advertised for sale.

F.

Register of Sales made in execution of decrees under Act IV. 1846.

1.	2.	3.	4.	5.	6.	7.	8.	9.	10.
Particulars of property.	Date of sale.	Parties to the decree, in execution of which the property was sold.	Name or names of purchasers.	Amount of purchase money.	Objections preferred or not after the sale was made by whom, and date thereof.	Objection when and how disposed of.	Bill of sale given to the purchaser on	Reference to the register of proposed sales.	Remarks.
									Note.—As explained in the rules, only such sales as may be completed by the payment in full of the purchase money are to be entered in this register, and in the event of such a sale being cancelled either on summary investigation of the objections preferred, or by the decision of a court of justice on the institution of a regular suit, a brief remark of the same is to be entered under the head of remarks.

TO THE CIVIL JUDGES IN THE LOWER PROVINCES.

Lower Provinces, 17th July, 1846.

No. 136.

Rules for the examination of candidates for pleaderships in the civil courts of the Lower Provinces.

THE Court are pleased to publish, for general information, the annexed resolution this day passed by them, regarding the examination of candidates for the office of pleader in the Company's courts.

RESOLUTION.

With reference to the provision of Section 4, Act I. 1846, that "no person shall be admitted a pleader in any of the courts of the East India Company, unless he have obtained a certificate, in such manner as shall be directed by the Sudder Courts, that he is of good character and duly qualified for the office," the Court resolve as follows:

1. No person shall be admitted to an examination, with a view to his qualifying as pleader in any of the courts of the East India Company, without presenting the testimonials, as to character and acquirements, required from candidates for moonsiffships.

2. The divisional committees, for the examination of candidates for moonsiffships, shall form a committee of examination for passing candidates for pleaderships in any of the civil courts within the division, and shall hold an examination on the 1st February of each year. The judge, magistrate, and principal sudder ameen, in each zillah, shall, in particular cases, and with the previous sanction of the Sudder Dewanny Adawlut, form a similar committee of examination for passing candidates at any other time than that fixed for the annual examination.

3. A system of marks shall be adopted, and the value of all the questions shall be assumed at 100. Such candidates as shall not obtain sixty of these shall be rejected, while those who get 60, and not more than 75, shall receive a certificate to enable them to practise in a moonsiff's court, the attainment of not less than 75, nor more than 85 marks, shall entitle the candidate to a certificate as pleader in the court of sudder ameen, and of more than 85 marks to a certificate of qualification as pleader in that of the principal sudder ameen and judge.

4. The holder of a certificate as pleader in an inferior court, may, by obtaining the requisite number of marks, at any subsequent examination, receive a certificate to practise in such court of a higher grade, as the number of his marks may entitle him to.

5. The holder of a certificate to plead in a higher court, shall be eligible for the office of pleader in a lower court on application.

6. A certificate granted in one district shall entitle the holder of it to obtain a pleadership in another district, in the grade of court for which he may have passed.

7. Persons, who, being in possession of diplomas, are eligible for the office of moonsiff, but not in employment as such, shall be entitled on application to obtain a pleader's certificate, to practise either in the sudder, or in any of the zillah courts. But the Courts of Sudder Dewanny Adawlut may admit to practise as pleaders before them, all such persons as may satisfy them that they possess the necessary qualifications for the office.

8. Rules 2,* 3, 5, 6 and 10,† dated 4th August 1840, and rules 1, 2, 3, 6 and 7, with exception of the last clause beginning "and at the same time forward," &c. and 9,‡ 14 of the rules subsequently issued (vide Government Gazette, dated 16th March 1841, and pages 125, 127, volume III., Circular Orders, Sudder Dewanny Adawlut,) shall be applicable to the examination of candidates for pleaderships.

* See Circular Order, No. 174, dated 10th December 1841.
† See Circular Order, No. 183, dated 28th January 1842.
‡ See Circular Order, No. 175, dated 17th December 1841, relative to rule 13.

ORDERS OF THE GOVERNMENT OF INDIA.

Fort William, Financial Department, the 24th July, 1846.

No. 137.

Rules for regulating leave of absence and acting allowances to uncovenanted servants.

THE following rules, for regulating leave of absence and acting allowances to public officers in India, not in the covenanted service of the East India Company, have been passed by the Honorable the President in Council with the concurrence of the Right Honorable the Governor General, and are published for general information.

I. Heads of offices and departments may grant to their subordinates leave of absence, without deduction from salary, during the vacations authorised by Government in each department, and it shall not be necessary to report the same to any higher authority.

II. In addition to the above, the Local Government will, at the recommendation of the head of a department and on sufficient cause being shown, grant special leave of absence on private affairs, for not more than six months, to any place within the limits of the East India Company's Charter, one-half of the absentee's salary being deducted for such period of absence.

III. The Local Government will also grant leave of absence on medical certificate, for any period not exceeding one year, to any place within the limits of the East India Company's Charter, one-half of the absentee's salary being deducted for such period of absence.

IV. In cases of extreme urgency the heads of offices are authorised to grant leave of absence on medical certificate, to the extent of a month, subject to the deduction specified in the preceding rule, reporting the same to Government for sanction.

V. If the period of leave granted under Rule III. be less than one year, the Government will extend the same, whether continuously or otherwise, to the full period allowed by the rule, on the production of a medical certificate, shewing the necessity for such an extension.

VI. But after the enjoyment of a full year's leave on medical certificate, whether continuously or by instalments, no further leave will be granted under Rule III. until after a lapse of three years from the expiry of previous leave under that rule.

VII. Absence without leave will render the absentee liable to loss of appointment, and will be attended with entire forfeiture of salary for the whole period of such absence.

VIII. No person appointed to a situation under the Government shall draw the salary of his appointment for any period prior to the date of his joining it.

IX. An officer holding a situation appointed to one of equal or higher value, will, until he joins, draw so much of the salary of his new office as may be equal to the salary of his former situation, provided he does not exceed the time allowed for joining under the following rule: should he do so, no salary will be passed to him for such period in excess.

X. The time ordinarily allowed for joining an appointment is to be calculated at the rate of 15 miles a day, (Sundays excepted,) together with a week to prepare for the journey, but on occasions of emergency it will be optional with the Government to prescribe the period within which any journey is to be performed.

XI. A person officiating temporarily in any situation on the occurrence of a vacancy, or during the absence of the real incumbent, will, if he hold no other appointment, draw one half the salary of such situation, and if he hold any other situation of less value, he will receive half the fixed salary of his own appointment, together with half the fixed salary of that in which he officiates, but no additional expense is to be incurred by the absence of any officer on leave.

XII. These rules are to be held applicable to all officers in the uncovenanted service of the Government, who may be in the receipt of salaries of 100 rupees a month or upwards. To all others their spirit is to be applied so far as circumstances will permit. To officers receiving their appointments direct from the Government, leave of absence will be granted by the Government only, and in respect to other officers whose appointment and removal rest with their immediate superiors or with the heads of departments, it will be optional with the Local Governments to delegate to such heads of offices and departments, power to act upon the rules without special reference to higher authority.

XIII. But it is to be clearly understood, that no leave of absence on private affairs, shall be claimable by any party whatever under these rules as a matter of right, but that such leave shall be granted only at the pleasure of the Government or its authorised officers, when the concession of the indulgence in no way interferes with the interests of the public service.

Extract from a Resolution of the Deputy Governor of Bengal, in the General Department, under date the 23rd September, 1846.

1. All heads of offices, subordinate to the Government of Bengal, may grant leave of absence, under the rules, to the ministerial officers of their establishments, without reference to higher authority.

2. The Sudder Court may grant leave of absence, under the rules, to all officers subordinate to them, except principal sudder ameens and sudder ameens.

Resolution by the Hon'ble the Lieutenant Governor of the North Western Provinces.

Agra, the 16th October, 1846.

With reference to the rules for regulating leave of absence and acting allowances to uncovenanted public officers, published in the Agra Gazette, on the 1st September 1846, the Hon'ble the Lieutenant Governor, North Western Provinces, is pleased to resolve as follows:

1. Principal sudder ameens and sudder ameens will obtain leave of absence from the Court of Sudder Dewanny Adawlut, under Rule I., and from Government under the

rules, on application made through the customary channels. Deputy collectors of land revenue under Regulation IX. of 1833, and deputy collectors of customs, will similarly obtain leave from the Sudder Board of Revenue under Rule I. and from the Government under the remaining rules. Moonsiffs will obtain leave under all the rules from the Court of Sudder Dewanny Adawlut.

2. Under Rule I. all heads of offices and departments are competent to grant leave of absence to their immediate subordinates during authorized vacations, except as provided in the preceding paragraph. With reference to the provisions of Rule XII. the following authorities are hereby declared competent to grant leave, in the other cases contemplated by the rules, to any person in the receipt of a salary of 100 rupees a month or upwards, (with the exception above noted,) on their own establishments or on those of the officers subordinate to them in the departments specified.

In the Revenue Department—The Commissioners of Revenue.
In the Judicial Department—The Session Judges.
In the Custom Department—The Collectors of Customs.
In the Post Office Department—The Postmaster General.

3. All other heads of offices, not subordinate to any of those above named, are hereby authorized to grant leave of absence under any of the rules to any person immediately subordinate to them, whose salary may amount to 100 rupees or upwards.

4. In the education department the local committees are declared competent to grant leave on authorised vacations, to all officers under them. All other applications from officers drawing 100 rupees or upwards will be submitted for the orders of Government. As regards officers drawing less than 100 rupees monthly salary, the local committees will exercise the same discretion, which is left to other heads of departments, observing the spirit of the rules so far as circumstances will permit: when granting leave in such cases, the local committees will report, for the information of Government, the arrangement which they may make for the performances of the duties of the absentee.

5. The Court of Sudder Dewanny Adawlut will notify, in the gazette, all orders granting leave to moonsiffs for other periods than the authorized vacations. No other leave of absence granted under this resolution by any other authority than the Government, need be published in the gazette.

TO THE CIVIL AUTHORITIES IN THE NORTH WESTERN PROVINCES.

No. 138. *Western Provinces, 3d August,* 1846.

Rules for the examination of candidates for pleaderships in the civil courts of the Western Provinces.

THE Court of Sudder Dewanny Adawlut for the North Western Provinces publish, for general information, the subjoined rules for the examination of candidates for the office of pleader in the civil courts of the East India Company, under Section 4, Act I. 1846.

2. The judges will be pleased to observe, that certain portions of the rules in force, for the examination of candidates for judicial employment as moonsiffs, are declared applicable to the examinations now directed; and that the forms of application to be submitted by persons wishing to be examined, and of certificate to be filled up by the judge, are to be adopted, *mutatis mutandis,* in cases falling under the following rules.

3. It is requested that the attention of the pleaders, now practising in the several civil courts, be called to the extension to them of the 10th of the rules, dated 4th August 1840.

4. The judges of Bareilly, Agra, and Benares, will, as directed in the 3d paragraph of the Court's letter to their address, dated 20th October 1841, (vide page 138, Volume III. printed edition of Circular Orders,) report to the Court, at least six weeks before the date fixed for each periodical examination, the number of candidates whose applications have been received, when the Court will furnish the committee with instructions for conducting the examination, as well as with the necessary papers.

Rules for the examination of candidates for the office of pleader in the courts of the East India Company, under Section 4, Act I. of 1846.

I. No person shall be admitted to an examination, with a view to his qualifying as pleader in any of the courts of the East India Company, without presenting the testimonials, as to character and acquirements, required from candidates for moonsiffships.

II. The divisional committees, which assemble annually at the stations of Bareilly, Agra, and Benares, for the examination of candidates for the office of moonsiff, shall for the present be considered as boards of examination of candidates for pleaderships. The judge, magistrate, and principal sudder ameen in each zillah, shall, in particular cases, and with

the previous sanction of the Sudder Dewanny Adawlut, form a similar committee of examination for passing candidates at any other time than that fixed for the annual examination.

III. A system of marks shall be adopted, and the value of all the questions shall be assumed at 100; such candidates as shall not obtain 60 of these shall be rejected, while those who get 60 and not more than 75, shall receive a certificate to enable them to practise in a moonsiff's court; the attainment of not less than 75 nor more than 85 marks shall entitle the candidate to a certificate as pleader in the court of sudder ameen, and of more than 85 marks to a certificate of qualification as pleader in that of the principal sudder ameen and judge.

IV. The holder of a certificate as pleader in an inferior court may, by obtaining the requisite number of marks at any subsequent examination, receive a certificate to practise in such court of a higher grade as the number of his marks may entitle him to.

V. The holder of a certificate to plead in a higher court shall be eligible for the office of pleader in a lower court on application.

VI. A certificate granted in one district, shall entitle the holder of it to obtain a pleadership in another district in the grade of court for which he may have passed.

VII. Persons, who, being in possession of diplomas, are eligible for the office of moonsiff, but not in employment as such, shall be entitled on application to obtain a pleader's certificate to practise either in the Sudder or in any of the zillah courts, provided, however, that the Sudder Dewanny Adawlut, before admitting such a party to practise as pleader in that court, shall have the option of subjecting him to such special examination and in such manner as they may deem fitting.

VIII. Rules 2, 3, 5, 6 and 10, dated 4th August 1840, and Rules 1, 2, 3, 6 and 7, with exception of the last clause beginning "and at the same time forwarded," &c. and 9, 14, of the rules subsequently issued (vide Government Gazette, dated 16th March 1841, and pages 125—127, volume III. Circular Orders, Sudder Dewanny Adawlut,) shall be applicable to the examination of candidates for pleaderships.

TO THE CIVIL JUDGES IN THE LOWER AND WESTERN PROVINCES.

No. 139.

Lower and Western Provinces, 21st August, 1846.

Rule regarding the entry in statement No. 2 of applications to sue *in forma pauperis*. Alteration in form of statement No. 1.

THE Court, having had occasion to notice the irregular transfer of cases, from heading 12 of the judge's to heading 13 of the principal sudder ameen's file, in the monthly statement No. 2, are pleased to communicate the following rule regarding such cases.

2. When the case is entered in heading 12 of that statement, it is a case, *quoad* the grounds of action, under Act No. IX. 1839. On the judge passing his orders on that point, the case will be entered in column 7, as disposed of on its merits. There will remain for consideration the question of pauperism, which admits of being transferred to the principal sudder ameen for determination, and will then be entered in heading 13, column 3, as instituted in the judge's court. If the case be transferred to the principal sudder ameen, it will appear in column 6, as transferred, and subsequently in that part of the statement appropriated to the principal sudder ameen as received by transfer, (column 14.)

3.* The Court are pleased to prescribe the following alteration in the form of statement No. 1, part 1, under the head of principal sudder ameen, to be effected in the monthly and annual statements next submitted.

P. S. ameen's court.

1st.	Original suits above 5,000 rupees.
2d.	Original suits under 5,000 rupees.
3d.	Appeals from sudder ameens.
4th.	Appeals from moonsiffs.

TO THE CIVIL JUDGES IN THE LOWER AND WESTERN PROVINCES.

No. 140. *Lower and Western Provinces, 14th September,* 1846.

Error in Urdu translation of Act XVI. 1845, and Act IV. 1846

THE Sudder Dewanny Adawlut, Lower and Western Provinces, publish the following amended translation of Act XVI. of 1845, and call attention to the following erratum in the rendering of the terms "real property," occurring in Section 3, Act IV. of 1846. See Agra gazettes, No. 36 and No. 6, dated 9th September 1845, and 10th February 1846, respectively.

ایکٹ نمبر ۱۶ سنہ ۱۸۴۵ع

چونکہ احکام مندرجۂ ایکٹ ۲۹ سنہ ۱۸۴۱ع بہ نسبت اپیلوں کے ایسی سخت اور شدید ہیں کہ باعث بے انصافی کے متصور ہوں اِسواسطے مناسب یہہ ہے کہ سختی اُنکی دفعہ کیجاے

* This paragraph did not form a part of the Western Court's Circular

دفعه ۱

حکم دیا جاتا ہی کہ جب کوئي اپیل کسی عدالت کمپني مین صیجملہ عدالتہای مقررۂ ممالک بنگالہ اور مندراس کے بعد اجراے اِس ایکٹ کے مطابق احکام ایکٹ ۲۹ سنہ ۱۸۴۱ع کے دسمس ہوجاے تو اُس عدالت کو جسکے حکم سے وہ دسمس ہوے واسطے پھر داخل نمبر کرنے اُس اپیل کے اختیار حاصل ہوگا بشرطیکہ اپیلانت اوپر اُس کاغذ استامپ کے جو واسطے سوالات متفرقہ کے معین ہی مابین تین مہینے کے تاریخ دسمس ہونے اپیل مذکور سے درصورتیکہ مقدمہ صدر دیوانی عدالت سے دسمس ہوا ہو اور مابین ایک مہینے کے تاریخ دسمس ہونے سے درصورتیکہ کسي اور عدالت سے دسمس ہوا ہو درخواست اُس عرضي سے گذرانے اور بھي حاکم عدالت موصوفہ کو بہ نسبت اِس امر کے مطمین کرے کہ دسمس ہونا مقدمہ کا بہ سبب عدم تندہی وکیل یا کسي آفت ناگہاني ناممکن الدفع کے وقوع مین آیا تھا

دفعه ۲

یہہ بھي حکم دیا جاتا ہی کہ جملہ عدالتہای مذکورۂ بالا کو واسطے پھر داخل نمبر کرنے کسي مقدمہ اپیل کے جو قبل اجراے اِس قانون کے مطابق احکام ایکٹ ۲۹ سنہ ۱۸۴۱ع دسمس ہوا ہو اختیار حاصل ہوگا

بشرطیکہ اپیلانٹ سابق اوپر اُس کاغذ استامپ کے جو واسطے سوالات متفرقہ کے معین ہی مابین تین مہینے کے تاریخ جاری ہونے اِس ایکٹ سے اُس عرضی سے درخواست گذرا نے اور بھی حاکم عدالت کو بہ نسبت اسبات کے مطمین کرے کہ ڈسمس ہونا مقدمہ کا بسبب عدم تندھی وکیل یا کسی آفت ناگہانی ناممکن الدفع کے وقوع مین آیا تھا

دفعہ ۳

مگر شروط یہہ ہی اور حکم بھی دیا جاتا ہی کہ جو مقدمہ اپیل کا مطابق اِس ایکٹ کے داخل نمبر ہو کے پھر مطابق احکام ایکٹ ۲۹ سنہ ۱۸۴۱ع کے ڈسمس ہوگا تو بارثانی پھر قابل داخل ہونے نمبر کے نہوگا فقط

Erratum.

For جایداد منقولہ read جایداد غیر منقولہ

TO THE SEVERAL CIVIL AND CRIMINAL AUTHORITIES, IN THE LOWER PROVINCES.

No. 141. *Lower Provinces, 25th September,* 1846.

Officers in charge of monies to forward their accounts in time to enable the accountant to close the public accounts on the prescribed dates.

I AM directed by the Court to forward to you, for your information and future guidance, the accompanying copy of a letter (No. 2393, of the 16th instant,) and of its enclosures, from the Under Secretary to the Government of Bengal, requiring officers in charge of public monies to prepare and forward to the Accountant to the Government of Bengal the

accounts of their departments *in time* to enable that officer to close the public accounts, on the dates specified in the memorandum annexed to the resolution of the Hon'ble the Deputy Governor of Bengal, in the Financial Department, dated 19th June last.

From the Government of Bengal to the Court, No. 2393, *dated the* 16*th September,* 1846.

I am directed by the Hon'ble the Deputy Governor of Bengal to transmit, for your information, the accompanying copy of an extract, No. 303, from the proceedings of the Government of Bengal, in the financial department, dated the 21st ultimo, and of its enclosures, and to request that you will issue the necessary instructions to the officers subordinate to you, to prepare and forward to the accountant to the Government of Bengal the accounts of their departments in time to enable the accountant to close the public accounts, on the dates specified in the memorandum which forms an enclosure in the extract.

(No. 303.)

Extract from the proceedings of the Hon'ble the Deputy Governor of Bengal, in the Financial Department, under date the 21*st August,* 1846.

Read a letter from the accountant to the Government of Bengal, dated the 12th instant, forwarding a memorandum of returns due to the several branches of his office on the 31st ultimo.

Read the reply thereto, dated the 21st instant.

Read again the resolution in this department, under date the 19th June last, specifying the dates on which the departmental accounts of Bengal may be conveniently closed, and directing that the accountant be instructed to observe those dates carefully in future, and to submit an explanatory report on the cause of delay in every instance in which they may not be adhered to punctually.

Order. Ordered, that a copy of the resolution, above adverted to, together with
* Para. 1. extract* from the Hon'ble Court's despatch to the Government of India, No. 18, dated the 23d September 1845, therein quoted, and a copy of the letter from this

department to the accountant to the Government of Bengal, No. 302, dated the 21st instant, be forwarded to the secretary to the Government of Bengal, with a view to the adoption of measures for expediting the transmission to the Accountant of returns from officers under the control of the Government of Bengal, whose accounts that officer may find it necessary to report to the Bengal office to be in arrear.

Fort William, Financial Department, the 19th June, 1846.

Read an extract from the proceedings of the Hon'ble the President of the Council of India in Council, in the financial department, of this date, forwarding copy of a despatch from the Hon'ble Court of Directors, No. 18 of 1845, dated the 23d September, desiring to be furnished, in future, with the financial statements of Bengal and the North Western Provinces, at an earlier period than that which has hitherto been observed, and with a separate copy thereof for the use of the Board of Commissioners for the Affairs of India.

Resolution.—The Hon'ble the Deputy Governor of Bengal observes that, under the resolution of the Government of India, in the financial department, dated the 15th March 1843, the dates fixed for the despatch to the Government of India of the financial returns of the several presidencies, are as follows:

Sketch estimate of each year,..... by 31st July of each year.
Regular ditto,..... „ .... by 31st December ditto.
Actual accounts,..... „ ..... by 28th February of the following year.

* *Date of despatch to Government of India.*

	Sketch. 1844-45.	Regular. 1844-45.	Actual. 1844-45.
Bengal,...	22d August 1844,...	3d February 1845,...	8th June 1846.
Agra, ...	16th August 1844,...	29th January 1845, ...	27th March 1846.
Madras,..	23d July 1844, ...	23d December 1844,...	21st February 1846.
Bombay,.	31st July 1844, ...	26th December 1844,..	23d February 1846.

These dates he understands, from the memorandum noted in the margin,* have been carefully observed by the offices of account under the Governments of Madras and Bombay, and not materially exceeded by the Accountant in the North Western Provinces. His Honor is aware that the Bengal accounts, from embracing not only the receipts and disbursements of the Government of Bengal, but those of a general character, occurring at all the presidencies, and under the control of the Government of India, cannot be closed on so early a date as the returns from the other presidencies; but he considers that the best way of accelerating the preparation of

the general account made up in Bengal is to expedite the completion of the departmental accounts, and he is informed that the latter may be conveniently closed on the dates specified in the accompanying memorandum. The Deputy Governor, therefore, resolves, that the accountant be instructed to observe these dates carefully in future, and to submit an explanatory report on the cause of delay in every instance in which they may not be adhered to punctually.

Ordered, that a copy of the foregoing resolution and of the memorandum annexed thereto, together with a transcript of the Hon'ble Court's despatch to the Government of India, No. 18, dated the 23d September 1845, be forwarded to the accountant to the Government of Bengal for his information and guidance.

Memorandum of the dates on which the Accounts of Receipts and Disbursements of the undermentioned Departments under the Accountant in Bengal can be closed.

	Date of closure of last Abstract.	Date of closure of account.
Government Agency,	31st July of each year.	31st January of each year.
Savings' Bank,	31st July.	
Mint,	31st August.	
Stamps, Post Office,	30th September.	
Judicial, Land Revenue,	30th November.	
Abkaree, Sayer, Customs,	31st October.	
Salt, Opium, Marine,	31st October.	
Civil Buildings,	30th November.	
Eastern Settlements,	30th September.	

Extract from a letter from the Hon'ble the Court of Directors, addressed to the Government of India, in the Financial Department, under date the 23rd September, 1845.

No. 18.

Bengal Statement of Actual Receipts and Disbursements.	*Regular Estimate.*	*North Western Provinces Statement of Actual Receipts and Disbursements.*	*Regular Estimate.*
1835-36, 21st May 1838,	24th April 1837,	30th Octr. 1839.	
1836-37, 8th June 1839,	19th May 1838,	28th Feby. 1839.	
1837-38, 24th Feby. 1840,	13th April 1839,	21st Sept. 1839.	
1838-39, 11th Feby. 1841,	6th July 1840,	27th July 1840,	8th Feby. 1840.
1839-40, 11th Decr. 1841,	14th Decr. 1840,	7th July 1841,	5th Decr. 1840.
1840-41, 13th Jany. 1843,	11th Feby. 1842,	15th Novr. 1842,	11th Octr. 1841.
1841-42, 11th Decr. 1843,	12th April 1843,	11th June 1844,	10th March 1843.
1842-43, 11th Novr. 1844,	13th March 1844,	17th Feby. 1845,	11th June 1844.
1843-44, not yet received.	13th May 1844,	3d July 1845,	9th June 1845.
1844-45, not yet received,	16th May 1845, not yet received.		

STATEMENT OF QUICK AND DEAD STOCK.

Bengal.		*North Western Provinces.*	
30th April 1836, ...	15th July 1839, ...	May	1838.
,, 1837, ...	18th Augt. 1840, ...	13th March	1839.
,, 1838, ...	13th May 1841, ...	Feby.	1840.
,, 1839, ...	23d Augt. 1842, ...	11th Decr.	1840.
,, 1840, ...	9th Augt. 1843, ...	18th Jany.	1842.
,, 1841, ...	12th July 1844, ...	18th Jany.	1843.
,, 1842, ...	26th Augt. 1845, ...	15th April	1844.
,, 1843, ...	not yet received, ...	29th April	1845.
,, 1844, ...	not yet received, ...	not yet received.	

COMPARATIVE STATEMENT OF BENGAL DEBT.

On 30th April 1835 and	30th April 1836	12th April	1839.
,, 1836 ..... ,,	1837	17th Augt.	1840.
,, 1837 ..... ,,	1838	31st March	1841.
,, 1838 ..... ,,	1839	19th Jany.	1842.
,, 1839 ..... ,,	1840	17th March	1843.
,, 1840 ..... ,,	1841	14th Novr.	1843.
,, 1841 ..... ,,	1842	11th Decr.	1843.
,, 1842 ..... ,,	1843	11th Novr.	1844.
,, 1843 ..... ,,	1844	not yet received.	

1. In the margin are exhibited the dates at which the several Financial Statements of the Presidency of Bengal and the North Western Provinces have been received by us commencing with those relating to the year 1835-36. The importance of our being supplied with early and ample information regarding India finance must be evident to you, and we desire that you take into immediate consideration the adoption of such measures as may enable you, in future, to furnish us with the similar statements at an earlier period than that which has hitherto been the custom.

From the Secretary to the Government of India, in the Financial Department, to the Accountant to the Government of Bengal, dated the 21st August, 1846.

I am directed to acknowledge the receipt of your letter, No. 17, of the 12th instant, giving cover to a memorandum of returns due to the several branches of your office on the 31st ultimo, and with reference to the two instances, noted in the margin, of delay in the receipt by you of the accounts of the resident councillor at Singapore and the postmaster at Monghyr, to request that, in every instance of delay in the receipt of the returns due to you from officers under the control of the Government of Bengal that you apprehend will compel you to postpone closing your departmental accounts of receipts and disbursements beyond the dates fixed for their completion, you will be good enough to report to the

Singapore cash account for March and April 1846.
Monghyr Post office ditto from Feburary to April.

secretary to the Government of Bengal the fact of such delay, and its anticipated effect upon your own accounts, in order that the Government of Bengal may adopt effectual measures to put you in timely possession of the required returns.

TO THE SEVERAL CIVIL AUTHORITIES IN THE LOWER AND WESTERN PROVINCES.

Lower and Western Provinces, 6th November 1846. No. 142.

Construction No. 866 rescinded.

THE Courts of Sudder Dewanny Adawlut, for the Lower and North Western Provinces, considering the principle of Construction No. 866 to be at variance with that of Construction No. 351, are pleased to rescind the former, and to notify such rescission accordingly.

TO THE CIVIL JUDGES IN THE WESTERN PROVINCES.

Western Provinces, 14th December 1846. No. 143.

Rules for the attachment and sale of property in satisfaction of decrees of the civil courts in the Western Provinces.

THE following rules for the attachment and sale of property in satisfaction of decrees of the civil courts, having been approved by the Supreme Government, under Section 2, Act IV. of 1846, are published by order of the Sudder Dewanny Adawlut, North Western Provinces, for general information, and for the guidance of the judicial authorities.

Rules for the Sale of Land, or of Rights and Interests in Land, paying Revenue to Government, in execution of the Decrees of the Civil Courts, as required by Section 2, *Act No. IV. of* 1846.

I. Sales of land, or of rights and interests in land, in satisfaction of the decrees of the civil courts, shall be held by collectors of land revenue on the 20th day of each month in the year, not being a Sunday or other close holiday, in which case they shall be held on the next office day, after such Sunday or other close holiday.

II. Whenever a court of civil judicature shall have occasion to bring to sale, in satisfaction of a decree, the rights and interests alleged to be possessed by any person in a mehal or other landed property paying revenue to Government, (the said property not being such as the judicial authorities are legally empowered to sell without reference to the revenue officers of Government,) the court enforcing the decree shall transmit direct to the collector, or other subordinate officer, to whom the duty may be committed, a requisition to that effect in a roobacaree, embodying therein the information required by Section 7, Act No. IV. of 1846, agreeably to the form appended (A.)

III. In cases, in which it may appear expedient to attach lands intended or ordered to be sold in satisfaction of a decree, the court shall address an injunction accordingly to the collector, or other officer, as aforesaid, who shall immediately attach and keep charge of them, under the rules in force for the attachment of land on account of arrears of Government revenue, for such period as the court, enforcing the decree, may direct. It shall be the imperative duty of the civil courts to issue instructions to the above effect, whenever, from the season of the year, or the representations of parties interested, or on other sufficient grounds, they may see reason to apprehend that embezzlement of the produce will otherwise occur. The surplus collections from the lands so attached, after payment of the expences of attachment, and of the instalments of land revenue, which may fall due during the period of attachment, shall be held absolutely at the disposal of the court.

IV. The collector, or other officer as aforesaid, on receiving a requisition for sale, from the civil court, shall verify the entries regarding the name, jumma, and position of the mehal in which the property ordered for sale is said to be situate, and, finding the said entries correct, shall immediately, of his own authority, issue proclamations according to the tenor of the requisition, and at the places, and in the manner directed by Section 8 of the aforesaid Act in the form appended (B.) Provided, however, that it shall rest with the collecter, or other officer as aforesaid, to determine with reference to the amount required to be realized, whether the whole, or a portion, and what portion of the property alleged to be possessed by the defendant, shall be advertised for sale, and to form the said property into one or more lots, and to sell only such lot or lots as may be sufficient to realize the same. If any error in the entries regarding the name, jumma, and position of the mehal, in which the property ordered for sale, is said to be situate, be discovered, reference shall forthwith be made to the court, with a view to its rectification.

V. On the day of sale, it shall be the duty of the collector, or other officer as aforesaid, to lay upon the table, for the information of the public, an extract from the record of settlement, exhibiting the nature and extent of the rights, interests, and liabilities appertaining to the defendant, together with an account shewing, so far as it may be ascertainable from the records of his office, the arrear of revenue or other public demand claimable from the mehal in which the property about to be sold is said to be situate. If the name of the defendant do not appear either in the record of settlement, or in the putwarry's register of intermediate mutations, (which is also required hereby to be laid on the table at the time of sale,) the collector, or other officer as aforesaid, shall produce, for the information of intending purchasers, the report of the record keeper of his office to that effect, and shall attach the same to his proceedings.

VI. Objections against proposed sales shall be preferred to the court enforcing the decree, and shall be disposed of as heretofore by the courts agreeably to the provisions of Clauses 4 and 5, Section 4, Regulation VII. of 1825, and it shall not be lawful for the collector, or other officer as aforesaid, to postpone the sale, save under injunction from the court, received prior to the lot being knocked down, or on unconditional payment of the whole amount proposed to be realised by the sale, or on delivery by the decree-holder of a receipt in full of his demand against the person whose property is about to be sold, or on the occurrence of the contingency contemplated by Section 13, Act I. of 1845, the provisions of which are hereby declared applicable to estates under these rules. Should payment of the amount to be realised by sale, be made, or the receipt of the decree-holder be delivered, before the lot is knocked down, the collector, or other officer as aforesaid, shall immediately report the circumstance for the information and orders of the court from which the direction for sale emanated, and shall postpone the sale, pending further instructions.

VII. If the court overrule the objection, then the sale shall be postponed for the period allowed by existing rules,* for the preferment of a miscellaneous appeal from the order overruling the objection.

* See Clause 5, Section 3, Regulation VII. of 1825, Circular Order, Sudder Dewanny Adawlut, No. 9, dated 19th July 1833, Constructions, Nos. 844 and 877, and Circular Order, Sudder Dewanny Adawlut, No. 26, dated 28th August 1843.

VIII. The provisions of Sections 31 and 32 of Act I. of 1845, are declared applicable to sales under these rules, and, in case of the sale of any right or interest in a putteedarree estate of the nature contemplated by Act I. of 1841, the provisions of Section 4 of the said Act, are hereby declared applicable thereto.

IX. The deposit of 15 per cent. on the amount of the bid having been made good immediately on the conclusion of the sale in favor of the bidder, the remainder of the purchase money shall be paid before sunset of the tenth day from that on which the sale took place, reckoning that day as one of the ten; or if the tenth day be a Sunday or other close holiday, then on the first office day after the tenth day.

X. The sum demanded being paid, as required by the preceding clause, the collector, or other officer as aforesaid, will consider the sale completed, and report to the civil court the result of their orders for sale, retaining in deposit the amount realised: or if the purchaser shall neglect or refuse to discharge the purchase money within the period of ten days aforesaid, the lot, or such portion thereof as may be sufficient to satisfy what remains due,

shall be immediately notified for re-sale, agreeably to the terms of Section 8 of the Act, and the 4th clause of these rules, without previous reference to the court, to which it shall only be requisite to give prompt information of the same.

XI. Sales of land, or of rights and interests in land, made in execution of decrees of the civil courts, shall be held to be final, after the expiration of 30 days from the day of sale, provided that intermediately no objection be offered to the legality of the sale: objections so preferred shall be disposed of by the courts, agreeably to the provisions of Section 5, Regulation VII. of 1825, and, in the event of their rejection, the sale proceeds shall be kept in deposit in the collector's treasury until the period allowed for the institution of a summary appeal from the order, overruling the objections, shall have elapsed.

See also Circular Order, Sudder Dewanny Adawlut, No. 1, dated 6th June 1828.

XII. As soon as a sale has become final, agreeably to the foregoing rules, it shall be the duty of the civil court, from which the order for sale emanated, to give intimation thereof to the collector, or other officer as aforesaid, and direct him to pay the amount, realized by the sale, to the person entitled to receive it, on application made to that effect, and the collector, after fulfilment of the court's instructions, shall transmit the receipt of the person or persons to whom the money may have been paid, to the court for its satisfaction. Purchasers at such sales shall likewise be put in possession of the purchased property by the collector, or other officer as aforesaid, under instructions to that effect from the civil court; but if the collector, or other officer as aforesaid, experience any difficulty in giving possession under the orders of court, he shall immediately certify to the court the precise nature of the difficulty and shall be guided by such instructions as he may receive. If he consider these instructions insufficient to enable him to give effect to the orders of the court, he shall refer the case to the commissioner of the division, who will, if necessary, make a further reference to the Sudder Board of Revenue.

XIII. The collector of land revenue, in the performance of the duties assigned to him in these rules, is the ministerial officer of the civil court so far as regards the execution of the orders addressed to him. But it shall rest with the superior revenue officers to provide that the collector punctually performs the duty assigned to him, and for this purpose they shall institute such check and require such returns as they may think necessary. If the judge of the civil court is of opinion from his own knowledge, or from the representations of the subordinate courts, that the collector unnecessarily delays or obstructs the progress of any sale or sales, he shall bring the subject to the immediate notice of the commissioner of the division, who will call upon the collector for an explanation, and will use every effort that the cause of complaint be removed.

XIV. No act of the collector, or other officer as aforesaid, under these rules, shall be considered to bar the right of Government to recover its demand by any of the authorised means of realisation, all sales made in execution of decrees being declared by Section 10, Act IV. of 1846, to be of the nature of private transfers. But a collector shall not be competent to appropriate any sum realized by him under these rules, to the liquidation of any outstanding demand against the estate except under an injunction to that effect from the civil court, or as provided for in the 3rd clause of these rules, it being understood that in every case of sale, it is a condition of the sale that the purchaser succeeds to all the liabilities of the former proprietor, and the claims of Government upon the estate are in no way affected by the sale.

XV. All rents, due on the date of sale, or falling due after that date, shall be claimable by the purchasers only, and any receipts for such rents given by or on behalf of the former proprietors shall not be deemed a legal and sufficient acquittance.

Form A referred to in 2nd Clause of the Rules.

No. of suit and names of parties.	Designation of court which made the decree.	Names of person or persons whose property is to be sold, and names of their fathers.	Sum for which each of the parties whose property is to be sold is liable, or, if not severally liable, the amount proposed to be realised by the sale.	Name and Jumma of the mehal constituting or containing the property to be sold, and the pergunnah in which it is situate.	Specification of the property which the persons are severally allowed in the schedule of the party applying for execution to be possessed of.

Form B referred to in the 3rd Clause of the Rules.

Proclamation is hereby made that the property, noted below, will be sold in satisfaction of a decree passed by

The sale will take place at the collector's cutcherree on or after unless the sum demanded be previously paid, or the sale stayed by order of the civil court.

Name and jumma of Mehal constituting or containing the property to be sold, and the pergunnah in which it is situate.	Number of suit and names of parties.	Name of person or persons whose property is to be sold and names of their fathers.	Sum for which each of the parties whose property is to be sold is liable, or if not severally liable, the whole amount proposed to be realized by the sale.	Specification of the property which the parties are severally alleged in the schedule of the party applying for execution to be possessed of.

TO THE CIVIL JUDGES IN THE LOWER AND WESTERN PROVINCES.

No. 144.

Lower and Western Provinces, 23d December, 1846.

Construction No. 541 amended.

THE Courts of Sudder Dewanny Adawlut, for the Lower and North Western Provinces, are pleased to intimate that so much of Construction No. 541, as declares that the period of 12 months allowed by Section 7, Regulation V. 1799, corresponding with Clause 7, Section 16, Regulation III. of 1803, for the appearance of claimants to the property of persons dying intestate, shall be calculated from the date of the proprietor's decease, is rescinded as being at variance with the terms of the law cited. The period in question should be reckoned not from the date of the proprietor's decease, but from the date on which publication of the several advertisements required by the law cited, shall be duly certified.

TO THE CIVIL JUDGES IN THE LOWER AND WESTERN PROVINCES.

Lower and Western Provinces, 26th December, 1846.

No. 145.

Form of process under Act XXIII. 1840.

IN continuation of Circular No. 130, dated the 15th May last, the Court are pleased to prescribe the following form of notice to respondents in appeal to the Privy Council, for use under Act XXIII. 1840.

No. 22.

NOTICE TO RESPONDENT IN APPEAL TO THE PRIVY COUNCIL.

In the Court of Dewanny Adawlut for the Zillah Hooghly.

Buldeb Sircar, of Amirpore, Pergunnah Kowas, Zillah Moorshedabad, (Appellant,)

versus

Kishen Peerya, widow of Nur Narain Roy, deceased, and guardian of Kishen Inder Narain Roy, infant, (Respondent.)

To Kishen Peerya and so forth.

Whereas Buldeb Sircar has presented a petition of appeal to the Queen in Council, praying for the reversal of the decree of the Sudder Dewanny Adawlut, dated 1st January 1846, awarding to you possession of talook Ameerabad, in zillah Moorshedabad; and whereas the said Buldeb Sircar has furnished the required security, and conformed to all the requisitions preliminary to the transfer of the record of the suit to England, notice is hereby given to you of the same, and further that the appeal will be considered and held to be abandoned and withdrawn by consent of the parties thereto, unless some proceedings shall be taken in England, in the same, by one or more of the parties thereto, within two

years after registration at the Council office, of the arrival of the transcript or copy of the record, and you are hereby required to acknowledge the receipt of this notice.

Given under my hand and the seal of the court, this

A. B.,
Judge.

TO THE ZILLAH JUDGES IN THE LOWER PROVINCES.

Lower Provinces, 26th December, 1846. No. 146.

Prescribing forms of statements to accompany petitions of appeal forwarded by the zillah judges and principal sudder ameens. Those officers to notify to appellants any deficiencies observable in their petitions of appeal.

I AM directed to request that, in forwarding petitions of appeal to the Sudder Dewanny Adawlut from the judgments of the zillah court, under the provisions of Section 10, Regulation VI. 1793, modified by Section 8, Regulation IX. 1831, you will, together with the petition of appeal and the prescribed certificate, in every case submit tabular statements according to the accompanying forms, containing clearly and fully the several particulars therein indicated.

2. The petition of appeal should state the court in which the decree appealed against was passed, the date on which it was made, the proportion of the claim in regard to which the appeal may be instituted, the names of all the respondents as required by Circular Order, No. 21, dated 14th July 1843, the sum of money or the value of the property which may have been decreed, and also whether the decree have been executed or not. These particulars must be inserted in form No. 1. The information required by form No. 2, should be furnished by your office.

3. Should any petition of appeal be deficient in the specification of the several points which it ought to contain, notice of the same should be given either to the petitioner or his vakeel, an acknowledgment of the service of notice be forwarded with the papers, and a note to that effect, specifying the excepted particulars, be inserted in the column of "remarks" of form No. 1. It is not of course intended that the column of remarks should be limited to this kind of information, as various circumstances, which cannot be foreseen, may arise calling for remarks, the proper place for the insertion of which would be the last column of statement No. 1.

4. You are requested to communicate the foregoing instructions to the principal sudder ameen of your district.

5. Printed forms, for the use of your own office and that of the principal sudder ameen, in English and Urdu, are herewith forwarded. Statements in both languages should be submitted with each case.

Form No. 1.

Names of all the Appellants.	Name and designation of the deciding Officer.	Names of *all* the Respondents, (Circular Orders, No. 211, July 21st 1842, and No. 21, July 14th 1843,) with their places of residence.

Date of the decision.	The property in dispute, with its legal valuation, or the amount of cash claimed.	What property was decreed, or what sum, and the proportion of the claim (whether decreed or dismissed) in regard to which the appeal may be instituted.	Executed or not.	Remarks.

Form No. 2.

Abstract of decree.	Date of presentation of petition of appeal.	Within the prescribed period or otherwise.	Certify notice to appellant or his vakeel, (Circular Order, No. 176, December 17th 1841,) with date of the same.	Remarks.

INDEX

TO

THE CIRCULAR ORDERS

OF

The Sudder Dewanny Adawlut.

VOLUME IV.

Nos.

ACCOUNTS.

See *Public Accounts*, ... 141

ACTS.

Error in Urdu translation of Act XIV. 1845 and Act IV. 1846. Lower and Western Provinces, 14th September 1846, ... 140

ADVOCATE-GENERAL.

See *English Law*, ... 10

AMEENS.

Further rules regarding the remuneration of ameens. Lower and Western Provinces, 21st August 1843, 29

Prescribes submission to the zillah judges, by ameens, of a monthly report, exhibiting the orders addressed to those officers by the judicial authorities, and the progress made in their execution. Western Provinces, 7th April 1845, ... 88

Ameens under Act I. 1839, not to hold the office of ameen under the Circular Order, No. 197, 13th January 1837, ... 109

APPEALS.

Directs that on every occasion of transmission to the Sudder Court of vernacular proceedings, a report from the record keeper, attested by the judge, of corrections and interpolations in the papers, and a certificate of their correspondence with the list prefixed, shall accompany the record. Western Provinces, 1st May 1843, ... 13

Prescribing rules for the investigation of the validity of the security tendered in cases of appeal to the Privy Council. Lower Provinces, 19th May, and Western Provinces, 17th June 1843, 18

Further instructions regarding the rule requiring appellants to name all the respondents in petitions of appeal. Lower Provinces, 14th July, and Western Provinces, 5th August 1843, ... 21

Rule regarding the mode of calculating the period within which an appeal should be lodged or any official act done. Lower Provinces, 1st March, and Western Provinces, 12th April 1844, ... 45

Construction of Act III. 1843, regarding the period allowed for the presentation of petitions for special appeal, and the documents which should accompany them. Western Provinces, 13th March, and Lower Provinces, 23rd May 1845, 84

The period of thirty days allowed for appealing from moonsiffs' decrees, is to be computed from date of tender of decree to the parties. Lower and Western Provinces, 11th June 1845, ... 98

Resolutions requiring specification of certain particulars in petitions of appeal, regular and special, published for general information. Attention called to the rule of Circular Order, No. 118, 14th November 1834, which requires judges to state whether the decree appealed against has been carried into execution or not. Western Provinces, 5th June 1846, ... 132

Prescribing forms of statements to accompany petitions of appeal forwarded by the zillah judges and principal sudder ameens. Those officers to notify to appellants any deficiencies observable in their petitions of appeal. Lower Provinces, 26th December 1846, ... 146

ATTACHMENT.

See *Execution of Decrees*, ... 23

Nos.

BRITISH SUBJECTS

Construction of Section 6, Regulation XV. 1806, relative to the interference of the civil court with the effects of a deceased British subject. Lower and Western Provinces, 3rd June 1845, 96

CALCUTTA.

See *Processes*.

CAZEES.

Nomination rolls of pergunnah cazees to be carefully compared with the vernacular papers, as regards designation of jurisdiction and name of candidate. Lower Provinces, 24th May 1844,... 57

CIRCULAR ORDER.

Correction of an error in the Circular Order No. 33, 13th September 1843. Lower and Western Provinces, 27th August 1845, ... 110

CIVIL COURTS.

Prohibiting the practice of taking cognizance, in suits under trial, of matters not set forth in the pleadings, and of instructing parties as to the mode in which they are to re-institute proceedings. Lower and Western Provinces, 13th September, 1843, ... 33

Remarks and orders having reference to the prevention of delay in the preparation of regular suits and miscellaneous cases. Western Provinces, 16th December, 1843, ... 38

An annual series of numbers for regular suits and miscellaneous cases to be introduced in all courts from 1st January 1844, wherever a continuous series may have been in use. Lower and Western Provinces, 18th January 1844, ... 40

Promulgates extract (paragraphs 13 and 14) of report from judge of Furruckabad, on civil justice, for 1843, and requests correction of irregularity described, if existent in other districts. Also extract (paragraph 15) from the same report, and recommends the practice described to the attention of judges generally. Western Provinces, 2nd May 1844, ... 53

Promulgates certain instructions on the subject of talookdaree tenures. Western Provinces, 31st January 1845, ... 78

Remarks and orders having reference to the prevention of delay in the preparation of regular suits and miscellaneous cases, and the discovery of default on the part of suitors. Lower Provinces, 3rd February 1845, ... 79

Rescinds paragraph 13 of Circular Order No. 208 of 24th June 1842, and extends the rules thereunto appended to those districts, the settlements of which have been revised, and records prepared according to Regulation IX. of 1833, without exaction of the certificate heretofore required: explains the terms of the rules in question, and states the light in which settlement records ought to be taken by the civil courts when deciding suits regarding land. Western Provinces, 15th March 1845, ... 85

Zillah judges enjoined to take evidence, and record their opinion, on points indicated in roobacarees of the Sudder Court, of which copies may be filed by parties with a petition. Lower Provinces, 28th March 1845, ... 86

Construction of Section 5, Regulation IV. 1793, and Regulation III. 1803, declaring it to be discretionary with the judicial authorities to admit a replication even though it be not presented "on the next court day." Lower and Western Provinces, 2nd July 1845, ... 100

The Sudder Courts have been empowered to authorise civil judges to make inspectional tours within their respective districts. Report to be made with statements of pending business for the Court's sanction. The results to be reported for the Court's information. Advantage to be taken of the established vacations for making inspectional tours. Western Provinces, 14th July, and Lower Provinces, 5th September 1845, ... 103

The decisions of the zillah courts to be sent monthly to the Court, for the purpose of being printed. When no decision has been recorded, a report to be made. Lower Provinces, 17th April 1846, ... 126

CONSTRUCTIONS.

Paragraph 2 of Construction No. 1235, rescinded. Lower Provinces, 11th, and Western Provinces, 28th August 1843, ... 25

Construction of Act XII. 1843. Lower and Western Provinces, 16th August 1844, ... 63

Construction of Section 8, Act VI. 1843, Lower and Western Provinces, 8th October 1844, ... 67

Construction of Act III. 1843. Western Provinces, 13th March, and Lower Provinces, 23rd May 1845, ... 84

Construction of Section 6, Regulation XV. 1806. Lower and Western Provinces, 3d June 1845, .. 96

Construction of Section 5, Regulations IV. 1793 and III. 1803. Lower and Western Provinces, 2d July 1845, ... 100

Paragraph 2 and part of paragraph 1 of Construction 1153, rescinded. Lower and Western Provinces, 14th November 1845, ... 112

Declares Construction 890 to have currency in the Lower Provinces only. Western Provinces, 1st January 1846, ... 119

Nos.

Construction, No. 866, rescinded. Lower and Western Provinces, 6th November 1846, ... 142
Construction No. 541, amended. Lower and Western Provinces, 23rd December 1846, ... 144
See *Execution of Decrees*, ... 42

CONTINGENT CHARGES.

Attention directed to Government Orders 31st March, 1834, regarding contingent charges. Western Provinces, 18th November 1844, .. 73

COPIES.

Rule regarding application for copies of papers. Lower Provinces, 7th April, and Western Provinces, 19th May 1843, ... 8
Applicants for copies of the Court's orders (sentences in criminal trials excepted) to be referred to the Court. Lower Provinces, 19th April 1844, ... 47
Civil and criminal authorities desired to refer applicants for copies of Court's orders to the Court, instead of granting copies asked for. Western Provinces, 22nd July 1845, ... 104
Circular Order No. 104, 22nd July last, modified. Western Provinces, 17th November 1845, ... 114

CORRESPONDENCE.

Prescribes rules touching method and channel of conveyance by post of moonsiffs' requisitions to judicial and revenue authorities. Lower Provinces, 15th, and Western Provinces, 28th April 1843, ... 9
Subjects on which the local authorities, in the Lower Provinces, are to correspond with the Government direct. Lower Provinces, 27th April 1843, ... 12
Paragraph 2 of Construction No. 1235, rescinded [See C O. No. 9 of this volume.] Lower Provinces, 11th, and Western Provinces, 28th August 1843, ... 25
Instructions for rendering official communications intelligible in themselves without reference to other documents. Lower Provinces, 17th November, and Western Provinces, 30th December 1843, ... 36
Attention called to the first rule of C. O. No. 12, 27th April 1843. Lower Provinces, 1st March 1844, ... 44

DECISIONS.

Construction of Act XII. 1843. Lower and Western Provinces, 16th August 1844, ... 63
Decisions of the judges of every grade recorded under Act XII. 1843, to be entered in books.

Nos.

Lower Provinces, 28th February, and Western Provinces, 11th April 1845, No. 81, ... 71
See *Civil Courts*, ... 126

DECREES AND ORDERS.

Prescribing a form of heading for orders other than roobakaries. Lower Provinces, 19th May 1843, 17
Heading of orders in miscellaneous cases coming under a particular law. Lower Provinces, 29th December 1843, ... 39

DEFAULT.

Rule of practice regarding the issue of notification to heirs of deceased parties in suits, to enable them to avoid the penalty of dismissal attaching, under Act XXIX. 1841, to absence of plaintiff or appellant, or to default in prosecution. Lower and Western Provinces, 5th September 1845, .. 111

ENGLISH LAW.

References for the opinion of the Advocate General to be submitted through the Court. Lower Provinces, 21st April, and Western Provinces, 26th May 1843, ... 10

EXECUTION OF DECREES.

Course to be followed on occasion of requisition to heads of offices for deduction from salaries of subordinates on account of decrees. Lower and Western Provinces, 20th January 1843, ... 2
Circulates extract of Sudder Board's Circular No. 3, for regulating the wording and execution of decrees for land. Western Provinces, 24th January 1843, ... 4
Appends extract of a letter to address of judge of Ghazeepore, touching execution of decrees through the revenue authorities. Western Provinces, 31st March, and Lower Provinces, 16th June 1843, ... 7
Directs that all cases of execution of decrees within the scope of Section 5, Act VI. 1843, be transferred to the courts of first instance. Lower Provinces, 26th May, and Western Provinces, 13th June 1843, ... 19
Certain correspondence promulgated for the guidance of civil judges, Western Provinces, touching adjustment of "wasilat" accounts. Western Provinces, 29th May 1843, ... 20
Notifies the extension of the rules prescribed in Circular Orders Nos. 83 and 167, dated 8th May 1840 and 24th September 1841, to all cases in which a process of attachment under Regulation II. of 1806, may issue against property situated in the jurisdiction of a court other than

Nos.

that by which the sequestration may be directed. Western Provinces, 5th August, and Lower Provinces, 8th September 1843,... 23

Circular Order No. 1, 6th June 1828, which prescribes the temporary retention of sale proceeds, modified and explained. Lower Provinces, 11th, and Western Provinces, 28th August 1843, .. 26

Form of proclamation on occasion of property being attached and brought to sale in execution of decrees. Lower and Western Provinces, 21st August 1843, ... 30

Explanation of paragraph 3d of the Circular Order No. 127, 12th December 1834, regarding execution of decrees. Lower and Western Provinces, 14th October 1843, ... 35

Explanation of the term "process of attachment" used in Constructions 935 and 1056. Rules to be observed in the distribution of assets. Lower Provinces, 26th January, and Western Provinces, 15th February 1844,..... 42

In modification of Circular Orders No. 127, of the 12th December 1834, the quarterly statement of requisitions to the collector is to include those cases only in which the delay is not accounted for. Lower Provinces, 8th November 1844, .. 71

Attention called to rule directing that subsistence allowance to persons, confined in execution of decrees, or other civil process, shall be deposited with the nazir. Western Provinces, 29th April 1845, ... 92

Instructions on the subject of the difficulty experienced by decree holders in obtaining possession of houses and patches of land decreed in their favor. Western Provinces, 27th April 1846, 128

Rules relating to execution of decrees under Act IV. 1846 in the Lower Provinces. Lower Provinces, 17th July 1846,..... 135

Rules for the attachment and sale of property in satisfaction of decrees of the civil courts in the Western Provinces. Western Provinces, 14th December 1846, No. 143,..... 151

EXTRA REGULATION PROVINCES.

Rule for the transmission of special appeals from the extra-regulation territories to the Court. Lower Provinces, 20th March 1846, ... 125

FERRY TOLLS.

Officers of Government are exempted from the payment of ferry tolls when proceeding on the public service. Lower Provinces, 25th July 1845, 106

FINES.

Directs that fines levied under Act XXX. of 1841, and paid on the spot, shall be reserved in deposit in the judicial treasury, until six weeks from date of order shall have elapsed. Western Provinces, 2nd May 1844,..... 51

FORGERY.

Cases of forgery brought to light in the course of judicial proceedings, in the civil and criminal courts, are to be dealt with according to the rules prescribed for cases of perjury. This rule is not to prevent prosecutions, in the magistrate's court, for forgery, irrespective of judicial proceedings. Lower and Western Provinces, 13th March 1846,..... 124

FORMS OF STATEMENTS.

Attention called to Circular Order No. 231, Vol. III. regarding indents for lithographic forms. Lower and Western Provinces, 11th June 1844, 59

INTESTATES.

Inventories of the property of intestates, unclaimed upwards of twelve months to be submitted to the Government at the close of the year. Lower Provinces, 3rd January 1845, ... 74

Rules regarding the disposal of claims on the estates of persons dying intestate, no heirs being forthcoming. Lower and Western Provinces, 14th February 1845,..... 80

See *Constructions*,..... 144

JURISDICTION.

See *Execution of Decrees*,..... 23

LAW OFFICERS.

Rules regarding examination of candidates for the situation of law officer and forms of certificates. Lower Provinces, 25th July 1845, ... 105

See *Moonsiffs*, ... 65

See *Pundits*,..... 11, 46

LEAVE OF ABSENCE.

See *Correspondence*,..... 12, 44

See *Uncovenanted Servants*, ... 137

See *Moonsiffs*, ... 48, 91

LIMITATION.

See *Appeals*,..... 45, 84, 98

LITHOGRAPHY.

See *Forms of Statements*,..... 59,

See *Printing*,..... 68

Nos.

MOOKTARNAMAHS.

See *Pleaders*, ... 34
See *Native Judges*, ... 72

MOONSIFF.

Security may be demanded, at the discretion of the judge, for the attendance of persons preferring complaints against moonsiffs, till investigation thereof be completed. Lower Provinces, 8th, and Western Provinces, 28th September 1843, ... 32
Applications from moonsiffs for leave of absence, to be submitted with a note of the last time of being absent. Lower and Western Provinces, 22d April 1844, ... 48
Directs attention of zillah and city judges, North Western Provinces, to Government resolution, dated 30th October 1837, and requests they will, in concert with the revenue authorities, take measures to adjust the jurisdiction of the moonsiffs subordinate to them. Western Provinces, 14th May 1844, ... 56
Prohibition of the practice of moonsiffs issuing separate process for the realisation of vakeels' fees, except when, on dismissal of a suit, defendant may apply for his costs. Lower and Western Provinces, 18th June 1844, ... 60
Law officers of zillah courts declared eligible to moonsiffships without undergoing examination, and, in certain cases, to office of sudder ameen—C. O. No. 116, 5th February 1843, modified. Lower and Western Provinces, 23d August 1844, 65
Construction of Section 8, Act VI. 1843, declaring competency of moonsiffs to try suits for damages, and for proprietary right in and possession of lakhiraj lands, but not for the revenue of such lands. Lower and Western Provinces, 8th October 1844, ... 67
Rules regarding moonsiffs quitting their stations without previously obtaining leave of absence. Lower Provinces, 23d April, and Western Provinces, 26th May 1845, ... 91
Rules regarding cutcherries for moonsiffs. Lower Provinces, 3d July 1845, ... 101
Rules regarding remuneration of, and security demandable from, moonsiffs' nazirs. Lower and Western Provinces, 17th November 1845, ... 113
Instructions on the subject of providing cutcherry accommodation for the moonsiffs at the public cost. Western Provinces, 20th November 1845, 115
Moonsiffs are not to leave their records in the thannas, but in charge of their amlah, and, at the vacations, in sealed boxes placed under charge of a guard of peons. Lower Provinces, 9th January 1846, ... 121

Nos.

Prescribing 21 forms of register books for the use of the moonsiffs' courts, in supersession of those now in use. Western Provinces, 6th June 1846, 133
See *Correspondence*, ... 9

MOONSIFFSHIPS.

Determines the discontinuance, temporarily, of the half yearly examination, heretofore held in July, of candidates for moonsiffships. Western Provinces, 29th March 1843, ... 6

NATIVE JUDGES.

Prohibiting treasurers attached to zillah or city courts from advancing money to uncovenanted judicial officers subordinate to the authority of such courts. Western Provinces, 10th February 1844, ... 43
The rule in Section 2, Regulation XXXVIII. 1793, prohibiting public officers from lending money to persons within their jurisdiction, extended to uncovenanted judicial officers. Lower Provinces, 25th October 1844, ... 69
C. O. No. 138, Volume II. superseded. Every class of uncovenanted judges may be employed in attesting mooktarnamahs that are to be filed in other courts. Lower and Western Provinces, 8th November 1844, ... 72
Promulgates extension of rule in Section 2, Regulation XIX. of 1803, to all uncovenanted judicial officers. Western Provinces, 5th March 1845, 82
Public officers cannot hold lands in their own districts. Lower Provinces, 25th April 1845, 89
Judicial officers are prohibited from holding landed property in their own districts. Present incumbents are not to be brought within the prohibition except under certain circumstances. Rule regarding persons who have landed property, or are engaged in speculations in the district to which they are nominated. Western Provinces, 29th April, and Lower Provinces, 5th September 1845, ... 93
Rules for the preservation of the official gazettes supplied to the subordinate civil courts for their use. Lower and Western Provinces, 17th June 1845, ... 99
Rule for the preservation of books supplied for the use of the uncovenanted judges. Lower Provinces, 5th December 1844, ... 118

NATIVE OFFICERS.

Native ministerial officers not to be employed on lower salaries than those fixed by the Government. Lower Provinces, 19th January 1844, ... 41

Nos.

Modification of the orders of Government regarding travelling allowances to ministerial officers, communicated by the C. O. No. 50, 20th September 1839. Lower Provinces, 15th August 1845,.. 108

NOTICES.

See *Civil Courts*, ... 53

NOTIFICATION.

See *Default*, ... 111

PAUPER.

Rules to be observed in the admission of applications for permission to sue *in formâ pauperis*. Lower Provinces, 11th, and Western Provinces, 20th August 1843, ... 27

PLEADERS.

Vakeels of the lower courts who may be detected in making mis-statements relative to the procedure of those courts, liable to dismissal. Lower and Western Provinces, 7th August 1843, ... 24

Directs specification of valuation of property in all vakulutnamahs filed with the petition of objections, and in the proceeding of the court granting or rejecting the same. Western Provinces, 12th August 1843, ... 28

Vakulutnamahs need not be verified on oath, nor mooktarnamahs for appointing vakeels. Lower Provinces, 15th September, and Western Provinces, 2d October 1843, ... 34

Rules for examination of candidates for pleadership in the civil courts of the Lower Provinces. Lower Provinces, 17th July 1846, ... 136

Rules for the examination of candidates for pleaderships in the civil courts of the Western Provinces. Western Provinces, 3d August 1846,... 138

See *Civil Courts*, ... 79

POLICE OFFICERS.

Civil writs for the apprehension, or personal attendance, of police officers, are to be served through the magistrate. Lower Provinces, 25th April 1845, ... 90

PRINCIPAL SUDDER AMEENS.

Principal sudder ameens to supply themselves with Serampore or Europe paper for their decrees. Lower Provinces, 30th December 1842, and Western Provinces, 1st April 1843, ... 1

Principal sudder ameens to retain with them, for six months, the records of appeals decided by them. Lower and Western Provinces, 5th May 1845, ... 94

Nos.

See *Pauper*, ... 27

See *Correspondence*, ... 12, 44

PRINTING.

Publishing for information an arrangement entered into with the Orphan Press at Secundra, for the execution of all letter press and lithographic printing, which may be required by the judicial offices in the North Western Provinces. Western Provinces, 19th October 1844,.. 68

PROCESSES.

The names of all the persons for and against whom process is issued under Act XXIII. 1840, to be mentioned. Lower Provinces, 30th May, and Western Provinces, 22d July 1845, 95

Forms of processes under Act XXIII. 1840. Lower and Western Provinces, 15th May 1846, ... 130

Amended translation of form No. 4 of commission under Act VII. 1841, prescribed by C. O. No. 185, 11th February 1842. Zillah judges are to use the English form. Lower Provinces, 5th June, 1846, ... 131

Forms of processes under Act XXIII. 1840. Lower Provinces, 26th December 1846, ... 145

PUBLIC ACCOUNTS.

Officers in charge of monies to forward their accounts in time to enable the accountant to close the public accounts on the prescribed dates. Lower Provinces, 25th September 1846, ... 74

PUBLIC WORKS.

Civil officers, countersigning plans and other documents relating to public works, are not responsible for any statements contained in them, but may offer any remarks they consider necessary regarding public works connected with their respective departments, without detaining the papers sent to them. Lower Provinces, 9th January 1846, ... 120

PUNDITS.

Notifies the abolition of the office of provincial pundit in the Western Provinces, and directs that judges shall, on all occasions, where an exposition of the Hindu law may be required, address their applications to the Sudder pundit. Western Provinces, 24th April 1843, ... 11

Copies of bewastahs to be forwarded to the Court through the judge of the division or zillah in which the pundit is stationed. Lower Provinces, 15th March 1844, ... 46

Nos.

RECORDS.

Prescribes rules for the transmission of the records of monthly decisions by the subordinate judicial officers to the sudder station. Western Provinces, 23d April 1844, ... 49

Rules for the transmission of the records of monthly decisions by the subordinate judicial officers to the sudder stations. Lower Provinces, 17th January 1845, ... 76

Declares Circular Order, Sudder Dewanny Adawlut, Lower Provinces, No. 112, dated 1st August 1834, applicable to the North Western Provinces, and intimates the extension of its operation to the end of 1832, also declares Circular Order, No. 81, of 1st February 1833, applicable to all records of the moonsiff's courts, which have accumulated between 1820 and end of 1832, *exceptis excipiendis*, and adds instructions regarding the mode of their destruction. Western Provinces, 14th July 1845, ... 102

See *Statements*, ... 77

See *Principal Sudder Ameens*, ... 94

REGISTERS OF DEEDS.

Directs registration prospectively of all security bonds executed by the sureties of treasurers, nazirs, and other ministerial officers attached to the judicial courts. Lower and Western Provinces, 2d May 1843, ... 15

Observations on the laws for the registration of deeds, published with the sanction of the Government, for the information of the civil judges and the guidance of the registers of deeds. Western Provinces, 26th July 1844, and Lower Provinces, 31st January 1845, ... 62

Promulgates extract (paras. 2 and 3) of a letter from judge of Azimgurh, regarding registration of deeds, with a view to prevention of the abuses therein exposed. Western Provinces, 12th March 1845, ... 83

The appointment of registers of deeds rests with the Government, to whom vacancies are to be reported. C. O. No. 36, 23d December 1831, and No. 199, 24th February 1837, cancelled. Lower Provinces, 12th December 1845, ... 117

Circulating orders of Government explanatory of the principles on which the register of deeds should be nominated; and noting the descriptions of persons eligible to the office constituted by Act XXX. 1838, and to the office at sudder stations constituted by the Regulations. Lower Provinces, 27th February 1846, ... 123

Nos.

Security bonds of every description to be registered. Western Provinces, 19th June, and Lower Provinces, 17th July 1846, ... 134

REGULATIONS.

Correction of an error in the Persian version of Section 73, Regulation XXIII. 1814. Lower and Western Provinces, 29th April 1844, ... 50

Error in Persian and Bengalee versions of Section 6, Regulation XVII. 1793, and Regulation XXVIII. 1803, Lower Provinces, 3d January, and Western Provinces, 10th March, 1845, .. 75

Error in the Bengalee version of Section 7, Regulation VII. 1825. Lower Provinces, 6th June 1845, ... 97

REVIEWS.

Directs the insertion of certain particulars, as a marginal note, in applications for review of judgment. Lower and Western Provinces, 6th September 1843, ... 31

Judgments passed on appeals are open to review, even though special appeals from those judgments be pending before the Sudder Court. Lower Provinces, 4th April 1845, ... 87

SECURITY BONDS.

Directs registration prospectively of all security bonds executed by the sureties of treasurers, nazirs, and other ministerial officers of the courts. Lower and Western Provinces, 2d May 1843, ... 15

Regarding security bonds executed by the sureties of the judicial treasurers and other officers entrusted with the charge of money, whether public or belonging to private individuals. Western Provinces, 25th October 1844, ... 70

Security bonds of every description to be registered. Western Provinces, 19th June, and Lower Provinces, 17th July 1847, ... 134

SECURITY FOR COSTS.

Rules regarding demand of security for costs in appeals from decisions of sudder ameens. Lower and Western Provinces, 19th June 1844, ... 61

SETTLEMENT.

See *Civil Courts*.

Nos.

SPECIAL APPEALS.

See *Appeals*, ... 84
See *Extra Regulation Provinces*, ... 125

STAMPS.

Extent of applicability of Section 18, Regulation X. 1829, as regards the penalty imposable thereunder. Lower and Western Provinces, 20th January 1843, ... 3
Precautionary rules for preventing the re-filing of stamps which have already been made use of. Lower Provinces, 5th, and Western Provinces, 25th May 1843, ... 16
The requirement of C. O. No. 16, Vol. IV., regarding the punching of stampt papers, to be strictly adhered to. A precis of rules of that Circular. Lower and Western Provinces, 14th May 1844, 55
Explains the kind of written applications, which entitles a party to a refund of stamp duty, under Article 10, Schedule B, Regulation X. 1829. Lower and Western Provinces, 23rd January 1846, ... 122

STATEMENTS.

Explanations of regular and miscellaneous cases pending beyond a year, not to be given monthly, but annually. Lower Provinces, 24th February 1843, ... 5
Comparative statement of cost of each moonsiffee establishment and the amount realized by sale of stamps, during past year, to be included in the annual reports. Western Provinces, 4th May 1844, ... 54
An alteration prescribed in civil statement No. 1, with reference to Act IX. 1844. Lower and Western Provinces, 25th May 1844, ... 58
The causes which render further investigation requisite, to be entered in the last column of statement of suits remanded to the lower courts. Lower Provinces, 23rd August 1844, ... 64
The annual civil reports to include a note of the condition of the records, the cause of any defects that may have been detected, and the measures taken for the correction of the defects. Lower and Western Provinces, 23rd January 1845, ... 77
Enumeration of the descriptions of miscellaneous cases transferable to principal sudder ameens. A revised form of statement No. 2 prescribed. Lower Provinces, 5th, and Western Provinces, 27th December 1845, ... 116
Form of statement of pauper suits decided by the several courts to be sent monthly to the collector. Lower and Western Provinces, 24th April and 2d October 1846, ... 127
Rule regarding the entry in statement No. 2, of applications to sue *in forma pauperis*. Alteration in form of statement No. 1. Lower and Western Provinces, 21st August 1846, ... 139
See *Registers of Deeds*.

STATEMENTS OF EXECUTION OF DECREES.

Modifies Circular Orders, No. 127, dated 12th December 1834, and No. 88, dated 19th June 1840, touching the quarterly statement of unexecuted decrees, furnished by judges to commissioners of revenue and Sudder Dewanny Adawlut. Western Provinces, 1st May 1843, 14
In continuation of Circular Order, No. 14, 1st May last, directs the insertion of certain particulars in the quarterly report of requisitions to the revenue authorities touching the execution of decrees. Western Provinces, 19th July 1843, ... 22
Particulars to be inserted in the quarterly returns of unexecuted decrees of the Superior Courts. Lower Provinces, 8th December 1843, and Western Provinces, 6th January 1844, ... 37
Prescribes with the concurrence of the Sudder Board of Revenue, North Western Provinces, certain rules for the preparation of the quarterly reports of requisitions to collectors, relating to execution of decrees, and directs their observance from the 30th June 1844. Western Provinces, 2d May 1844, ... 52
Communicating certain instructions regarding the quarterly reports of requisitions to the revenue authorities. Western Provinces, 26th August 1844, ... 66

TENURES OF LAND.

See *Civil Courts*, ... 78, 85
See *Constructions*, ... 119

TRAVELLING ALLOWANCES.

See *Native Officers*, ... 108

TREASURERS.

See *Native Judges*.

TULLUBANA.

See *Civil Courts*, ... 53

Nos.

UNCOVENANTED SERVANTS.

Rules of the Supreme Government for regulating leave of absence and acting allowances to uncovenanted servants, dated 24th July 1846; and resolutions of the Governments of the Lower and Western Provinces thereon, ... 137

VAKEELS.

See *Pleaders*.

VALUATION OF SUITS.

Circular Order No. 44, 29th September 1820, superseded by paragraph 6 of Circular Order No. 29, 11th June 1839. Lower Provinces, 25th July, and Western Provinces, 5th September 1845, ... 107

Nos.

WASILAT.

See *Execution of Decrees*, ... 20

WITNESSES.

Requiring observance of certain rules in recording depositions of witnesses. Lower and Western Provinces, 18th May 1846, ... 129
See *Civil Courts*, ... 53
See *Processes*, ... 131